

**TSA INTEGRITY CHALLENGES: EXAMINING
MISCONDUCT BY AIRPORT SECURITY PERSONNEL**

JOINT HEARING
BEFORE THE
**SUBCOMMITTEE ON OVERSIGHT AND
MANAGEMENT EFFICIENCY**
AND THE
**SUBCOMMITTEE ON
TRANSPORTATION SECURITY**
OF THE
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CONTENTS

	Page
STATEMENTS	
The Honorable Jeff Duncan, a Representative in Congress From the State of South Carolina, and Chairman, Subcommittee on Oversight and Management Efficiency:	
Oral Statement	1
Prepared Statement	3
The Honorable Ron Barber, a Representative in Congress From the State of Arizona, and Ranking Member, Subcommittee on Oversight and Management Efficiency:	
Oral Statement	4
Prepared Statement	6
The Honorable Richard Hudson, a Representative in Congress From the State of North Carolina, and Chairman, Subcommittee on Transportation Security:	
Oral Statement	7
Prepared Statement	8
The Honorable Cedric L. Richmond, a Representative in Congress From the State of Louisiana, and Ranking Member, Subcommittee on Transportation Security:	
Oral Statement	9
Prepared Statement	11
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:	
Oral Statement	12
Prepared Statement	14
WITNESSES	
Mr. John W. Halinski, Deputy Administrator, Transportation Security Administration, Department of Homeland Security:	
Oral Statement	16
Prepared Statement	18
Mr. Stephen M. Lord, Director, Forensic Audits and Investigative Services, Government Accountability Office:	
Oral Statement	20
Prepared Statement	21
Ms. Deborah L. Outten-Mills, Acting Assistant Inspector General for Inspections, Office of Inspector General, Department of Homeland Security:	
Oral Statement	24
Prepared Statement	26

TSA INTEGRITY CHALLENGES: EXAMINING MISCONDUCT BY AIRPORT SECURITY PERSONNEL

Wednesday, July 31, 2013

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON OVERSIGHT AND
MANAGEMENT EFFICIENCY, AND
SUBCOMMITTEE ON TRANSPORTATION SECURITY,
WASHINGTON, DC.

The subcommittees met, pursuant to call, at 10:00 a.m., in Room 311, Cannon House Office Building, Hon. Jeff Duncan [Chairman of the Subcommittee on Oversight and Management Efficiency] presiding.

Present: Representatives Duncan, Hudson, Rogers, Miller, Barletta, Daines, Brooks, Thompson, Jackson Lee, Richmond, Barber, and Payne.

Also present: Representative Mica.

Mr. DUNCAN. The Committee on Homeland Security, Subcommittees on Oversight and Management Efficiency and Transportation Security will come to order. It is a joint hearing today with Members from both subcommittees. The purpose of this hearing is to examine the misconduct by airport security screening personnel and the effects that misconduct has on the integrity of TSA. I now recognize myself for an opening statement.

The Transportation Security Administration was created after the horrific terrorist attacks of September 11, 2001, in an effort to strengthen the security of our Nation's transportation systems, especially our airports. Considering the nature of the attacks and the other terrorist attempts, like the 2009 Christmas day underwear bomber, the 2001 shoe bomb plot, the American public looks to TSA to keep them safe while flying.

However, with countless TSA misconduct cases spread throughout the country, confidence in airport security is quickly waning. For example, in 2011 a transportation security officer at Newark Airport pleaded guilty to stealing thousands of dollars in cash and other valuables from unsuspecting travelers. In March of this year, a wanted rape suspect made his way through a security checkpoint at JFK carrying a 3,800K-volt stun gun, which is definitely on the list of banned items for airplane travel.

In February this year, TSA improperly detained a 3-year-old disabled wheelchair-bound girl, suffering from spina bifida, on her way to Disney World with her family. It is a terrible YouTube video to watch that reminds us of some of these incidents. This instance

specifically was heartbreaking. TSA must do more to focus on the true threats and stop the invasive screening of low-risk travelers.

The TSA lists integrity as one of its core values, but unfortunately integrity has been lost in many cases. When workers on the front line fail to live up to TSA's established guiding principles and standards of conduct, management must step up and hold individuals accountable. TSA created the Office of Professional Responsibility to promote timeliness, accountability, and consistency within the disciplinary process. However, according to the Government Accountability Office's—GAO—report on TSA misconduct that was just released yesterday, timeliness, accountability, and consistency are still major issues for TSA when misconduct arises.

For example, while TSA has established standards for investigating and adjudicating misconduct cases, TSA does not track how long it takes to complete and adjudicate investigations. As a result, TSA could miss systemic problems across airports, allowing misconduct to go unchecked. Furthermore, according to TSA data, out of 56 cases of theft from fiscal years 2010 through 2012, 31 resulted in termination, 11 resulted in letters of reprimand, 11 resulted in suspension of a defined period, and 2 resulted in indefinite suspension, and 1 resulted in resignation. Stealing is stealing, and these are incidents of stealing from American travelers.

According to recommended penalty range on TSA's table of offenses and penalties for theft or unauthorized taking, a letter of reprimand is not included. Additionally, when questioned by the former Transportation Security Subcommittee Chairman last year, Deputy Administrator Halinski stated that, and I will quote: "When we have personnel that have committed, let us say, stealing, drugs, or lack of security that we can immediately identify, those personnel are terminated. They are walked out the door."

Well, which is it Deputy Administrator? Are they removed from employment or sent home with a slap on the wrist? I would hope that a Federal employee that engages in theft of trusting American travelers would be disciplined with more than just a letter. These statistics tell the American people that TSA isn't terribly concerned if its employees steal from the traveling public. TSA should have no tolerance for such behavior. The American people demand accountability.

In addition, of the 1,936 cases in fiscal year 2012 that fall in the misconduct category of screening and security, around 4 percent of those cases involve sleeping while engaged in security-related duties. I believe that is about 77 cases, and I will tell you, that is 77 cases too many.

Yet, rather than punishing these employees using standard penalties, TSA chose to go easy on those who find it hard to stay awake while protecting the American people. GAO reported that about half of the penalties for sleeping on duty didn't even fall into the recommended range, which is a 2-week suspension to termination. Instead, half of the cases were resolved with a reprimand letter or a 1- to 3-day suspension.

Unfortunately, this is symptomatic of the larger problem. According to GAO's analysis of fiscal year 2012 data on screening and security offenses that include failing to follow standard operating procedures, sleeping on duty, and allowing individuals to bypass

screening, again, 1,936 cases, 55 percent of the offenses result in a letter of reprimand even though a letter of reprimand is not part of the recommended penalty range for any of those offenses. So where is the consistency?

While I know that there are many thousands of hard-working, dedicated employees working at airports throughout the country, and it is unfair to generalize to the whole workforce, unfortunately, a few bad apples can ruin the bunch. These findings are especially hard to stomach since so many Americans today are sick of being groped, interrogated, and treated like criminals when passing through checkpoints. If integrity is truly a core value, then, TSA, it is time to prove it. Stop with the napping, the stealing, the tardiness, and the disrespect, and earn Americans' trust and confidence. Disciplinary action should be standardized, tracked, and processed in a timely manner so that the agency can compare performance Nation-wide, analyze significant differences in data, and make changes where changes are due, whether that is through additional training or stricter enforcement of policies and procedures.

The TSA plays a vital role in the security of our country and it is time that the American people look to TSA favorably instead of with disdain and distrust. One important step in achieving this is to fully respect American civil liberties when flying.

I appreciate the participation of our distinguished witnesses here today, and I am eager to hear about the Transportation Security Administration's process and progress for handling misconduct cases within its workforce. It is critical that our airports are secure and that the tarnished reputation of the agency is turned around and the traveling public can once again trust and appreciate those working the front lines to keep our country safe.

The Chairman will now recognize the Minority leader of the sub-committee, the gentleman from Arizona, Mr. Barber, for an opening statement that he may have.

[The statement of Chairman Duncan follows:]

STATEMENT OF CHAIRMAN JEFF DUNCAN

JULY 31, 2013

The Transportation Security Administration (TSA) was created after the horrific terrorist attacks of September 11, 2001 in an effort to strengthen the security of our Nation's transportation systems, especially our airports. And considering the nature of the attacks, and other terrorist attempts, like the 2009 Christmas day underwear bomber and the 2001 shoe bomb plot, the American public looks to the TSA to keep them safe when flying.

However, with countless TSA misconduct cases spread throughout the country, confidence in airport security is quickly waning. For example, in 2011, a Transportation Security Officer at Newark Airport pleaded guilty to stealing thousands of dollars in cash and other valuables from unsuspecting travelers. In March of this year, a wanted rape suspect made his way through the security checkpoint at JFK carrying a 3,800K-volt stun-gun, which is definitely on the list of banned items for airplane travel. And, in February of this year, TSA improperly detained a 3-year-old disabled, wheelchair-bound child suffering from spina bifida on her way to Disney World with her family. This instance specifically was heart-breaking. TSA must do more to focus on the true threats and stop with invasive screening of low-risk travelers.

The TSA lists "Integrity" as one of its core values, but unfortunately, integrity has been lost in many cases. When workers on the front line fail to live up to TSA's established guiding principles and standards of conduct, management must step up and hold individuals accountable.

TSA created the Office of Professional Responsibility to promote timeliness, accountability, and consistency in the disciplinary process. However, according to the Government Accountability Office's (GAO) report on TSA misconduct that was just issued yesterday, timeliness, accountability, and consistency are still major issues for TSA when misconduct arises. For example, while TSA has established standards for investigating and adjudicating misconduct cases, TSA does not track how long it takes to complete and adjudicate investigations. As a result, TSA could miss systemic problems across airports allowing misconduct to go unchecked.

Furthermore, according to TSA data, out of 56 cases of theft or unauthorized taking from fiscal years 2010–2012, 31 resulted in termination, 11 resulted in letters of reprimand, 11 resulted in suspension of a defined period, 2 resulted in indefinite suspension, and 1 resulted in resignation. According to the recommended penalty range on TSA's Table of Offenses and Penalties for theft/unauthorized taking, a letter of reprimand is not included. Additionally, when questioned by the former Transportation Security Subcommittee Chairman last year, Deputy Administrator Halinski stated that "when we have personnel that have committed, let us say, stealing, drugs, or lack of security that we can immediately identify, those personnel are terminated. They are walked out the door." Well, which is it, Deputy Administrator? Are they removed from employment or sent home with a slap on the wrist? I would hope that a Federal employee that engages in theft of trusting travelers would be disciplined more than with just a letter. These statistics tell the American people that TSA isn't terribly concerned if its employees steal from the traveling public. TSA should have no tolerance for such behavior. The American people demand accountability.

In addition, of the 1,936 cases in fiscal year 2012 that fall in the misconduct category of "Screening and Security," around 4 percent of those cases involved sleeping while engaged in security-related duties. I believe that's about 77 cases. That's 77 cases too many. Yet rather than punishing these employees using the standard penalties, TSA chose to go easy on those who find it hard to stay awake while protecting the American people. GAO reported that about half of the penalties for sleeping on duty didn't even fall into the recommended range (which is a 2-week suspension to termination). Instead, half of the cases were resolved with a reprimand letter or 1- to 3-day suspension.

Unfortunately, this is symptomatic of the larger problem. According to GAO's analysis of the fiscal year 2012 data on "Screening and Security" offenses that include failing to follow standard operating procedures, sleeping on duty, and allowing individuals to bypass screening—again of 1,936 cases, 55 percent of the offenses resulted in a letter of reprimand even though a letter of reprimand is not part of the recommended penalty range for any of those offenses. Where is the consistency?

While I know there are many—thousands—of hard-working, dedicated employees working at airports throughout the country, and it's unfair to generalize to the whole workforce, unfortunately, a few bad apples can ruin the bunch. These findings are especially hard to stomach since so many Americans today are sick of being groped, interrogated, and treated like criminals when passing through checkpoints. If "Integrity" is truly a core value, then, TSA, prove it. Stop with the napping, the stealing, the tardiness, and the disrespect. Earn Americans' trust and confidence.

Disciplinary actions should be standardized, tracked, and processed in a timely manner so that the agency can compare performance Nation-wide, analyze significant differences in data and make changes where changes are due—whether that's through additional training or stricter enforcement of policies and procedures. The TSA plays a vital role in the security of our country and it's time the American people look to TSA favorably instead of with disdain and distrust. One important step to achieving this is to fully respect Americans' civil liberties when flying.

I appreciate the participation of our distinguished witnesses here today and am eager to hear about the Transportation Security Administration's process and progress for handling misconduct cases within its workforce. It is critical that our airports are secure and that the tarnished reputation of the agency is turned around and the traveling public once again trust and appreciate those working the front lines to keep our country safe.

Mr. BARBER. Well, thank you, Chairman Duncan, for convening this hearing, and it is a critical area that we are examining today because the American public every single day, the flying public at least, deals with the TSA officers, and we need to make sure that they are treated properly.

In the aftermath of September 11, 2001, those terrorist attacks resulted in the formation or creation of the Transportation Security

Administration, and the main purpose was to protect air travel and keep the traveling public safe. In order to implement its mission, the TSA employs thousands of TSOs, transportation security officers, and on a daily basis screen almost 2 million passengers at 450 airports throughout the United States.

These dedicated and hard-working civil servants perform their duties in the face of frustration. I have seen it in my many travels back and forth between my home and Washington, face frustration from weary travelers and critics of the TSA's often-changing policies. They serve as our front line of defense in aviation security and we rely on them and the technology that they use to keep us safe from harm.

As I mentioned, I have now been in Congress for 1 year. I fly back home almost every weekend. I have gone through TSA security lines at least 100 times in this last year. I would have to say that I look and observe what is going on around me with other passengers, and almost always, with few exceptions, the public is treated with respect and professionalism. But there are problems that remain.

According to media reports, from December 2010 through February 2013, 108 transportation security officers have been arrested and 93 crimes related to their employment have been committed. According to the GAO, from 2010 through 2012, the annual number of TSA misconduct cases increased from 2,691 to 3,408. The GAO also reported that 1,936, or 20 percent of the aforementioned misconduct cases, were classified as security and screening violations. These pertain to incidents that do not include conducting security or equipment checks and allowing people or baggage to bypass the screening.

TSA's most important responsibility is to ensure the safety and the security of travelers in a professional manner. We cannot allow one bag or one person to go unscreened. This percentage of unscreened baggage and people is absolutely unacceptable.

When compared to the TSA workforce in total, which numbers more than 55,000 employees, the overall misconduct numbers indicate that around 6 percent of TSA's employees were involved in wrongdoing. These statistics clearly show that more work can and must be done to properly train and effectively hire transportation security officers.

It should be noted that this data from the GAO also indicates that the vast majority of TSO, transportation security officers, are law-abiding citizens and professional in carrying out their most important duties and fulfilling the mission of the Department of Homeland Security.

According to GAO, TSA has made some progress in improving the professionalism and accountability of its workforce. For example, having a table of offenses with clearly-defined ranges of penalties ensures that consistency and fairness exist in what was previously a very ad hoc, arbitrary process. Furthermore, the creation of TSA Office of Professional Responsibility has resulted in reduced backlog of cases and quicker decisions for employees waiting to resolve their matters. The TSA has also added additional training classes for its airport-based personnel so that managers and supervisors are better able to identify and investigate misconduct.

While these steps are good and important, they do not rule out the need for the TSA to improve weaknesses that still exist in the agency. Risks or weaknesses such as ensuring that misconduct cases are recorded in TSA's centralized database, and making sure—making sure—that misconduct cases are properly handled in accordance with TSA policies and procedures.

Furthermore, when addressing misconduct, Congress and TSA have a responsibility to ensure proper oversight over the entire TSA workforce, including management and supervisors. According to a recent Department of Homeland Security Office of Inspector General report, supervisors at TSA's Transportation Threat Assessment and Credentialing Office have exhibited a pattern of poor management practices and inappropriate use of formal—informal administrative processes to assess and address misconduct.

This report is yet one more example of why an examination of TSA's misconduct should be extended beyond the TSO workforce. I therefore look forward to hearing from both GAO and the OIG this morning on how TSA can improve its processes, and from TSA on how it intends to comply with GAO and OIG recommendations. I thank our witnesses for being here.

Thank you, Mr. Chairman, for convening the meeting. I yield back the balance of my time.

[The statement of Ranking Member Barber follows:]

STATEMENT OF RANKING MEMBER RON BARBER

JULY 31, 2013

In the aftermath of the September 11, 2001 terrorist attacks, the Transportation Security Administration (TSA) was created in an effort to protect air travel and keep the travelling public safe.

In order to implement its mission, TSA employs thousands of Transportation Security Officers that on a daily basis screen almost 2 million passengers at 450 airports throughout the United States.

These dedicated, hardworking civil servants perform their duties in the face of frustration from weary travelers and critics of TSA's often frequently-changing policies.

They serve as our first line of defense in aviation security and we rely on them, and the technology they utilize, to keep us safe from harm.

Most organizations have experiences where employees do not live up to an organization's work standards. Unfortunately, this is also true sometimes for the Transportation Security Administration.

According to media reports, from December 2010 through February 2013, 108 TSOs have been arrested and 93 crimes—related to their employment—have been committed.

According to the Government Accountability Office (GAO), from 2010 through 2012, the annual number of TSA misconduct cases increased from 2,691 to 3,408.

The GAO also reported that 1,936, or 20 percent, of the aforementioned misconduct cases, were classified as security and screening violations. These pertain to incidents that include not conducting security or equipment checks and allowing people or baggage to bypass screening.

TSA's first and foremost responsibility is to ensure the safety and security of travelers in a professional manner. We cannot allow one bag or one person go unscreened and this percentage is simply unacceptable.

When compared to the TSA workforce in total, which numbers more than 55,000 employees, the overall misconduct numbers indicate around 6 percent of TSA's employees were involved in wrongdoing.

These statistics clearly show that more work can and must be done to properly train and effectively hire Transportation Security Officers.

It should be noted that this data from GAO also indicates that the vast majority of TSOs are law-abiding citizens, seeking to carry out the mission of the Department of Homeland Security.

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For example, having a table of offenses with clearly defined ranges of penalties ensures that consistency and fairness exists in what was previously an ad hoc and arbitrary process.

Furthermore, the creation of the TSA Office of Professional Responsibility has resulted in a reduced backlog of cases and quicker decisions for employees waiting to resolve their matters.

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According to a recent Department of Homeland Security Office of Inspector General (OIG) report, supervisors at TSA's Transportation Threat Assessment and Credentialing Office, have exhibited a pattern of poor management practices and inappropriate use of informal administrative processes to assess and address misconduct.

This report is but one example of why an examination of TSA misconduct should be extended beyond the TSO workforce.

I therefore look forward to hearing from both GAO and the OIG on how TSA can improve its processes and from TSA on how it intends to comply with GAO and OIG recommendations.

Mr. DUNCAN. I thank the Ranking Member.

I ask unanimous consent that the gentleman from Florida, Mr. Mica, be permitted to participate in today's hearing. Without objection, so ordered.

The Chairman now recognizes the Chairman of the Transportation Security Subcommittee, the gentleman from North Carolina, Mr. Hudson, for any statement he may have.

Mr. HUDSON. Thank you, Chairman Duncan.

I would like to thank our panel of witnesses for being here today to discuss this very important issue. As we work this week in the House to hold Government accountable to the American people, I appreciate your willingness to address these issues before the subcommittee.

I recognize that TSA screeners have a tough job. Screeners spend all day inspecting hundreds of people, and their personal possessions, trying to find—to stop a disaster, but never knowing exactly what the threat looks like or when it will strike. It is precisely the nature of the job that leaves absolutely no room for misconduct at screening checkpoints. At best, misconduct is a distraction to the screeners who are actually focused on preventing a bomb from getting on an airplane and killing thousands of innocent people. At worst, it is gross negligence and undermines the security of the United States and the confidence of the citizens in our Government.

Earlier this year, my subcommittee held a series of hearings on TSA's efforts to advance risk-based security where we discussed the seriousness of the threats we face and what it will take for TSA to successfully implement PreCheck and other risk-based screening initiatives. Now more than ever, as TSA continues its much-needed transition towards risk-based security, the agency must fine-tune its hiring practices to ensure that it is employing the best qualified

candidates to secure our Nation's airports, and that once hired each employee is held to the highest possible standard.

It is critically important that as TSA moves towards a more concentrated and agile screening process, it also focuses in quality over quantity of the screening personnel. It is no secret that TSA's image with the American public has been tarnished and security has been compromised with certain cases of wrongdoing among a few TSA employees. These instances may not represent the majority of TSA employees, but they do have a direct impact on TSA's relationship with travelers and the overall screening environment. Reports that cases of employee misconduct have increased by nearly 30 percent over the last 3 years do little to instill confidence in an agency that is already fighting an uphill battle.

Today's hearing will provide the opportunity to hear from TSA and from the Government Accounting Office about what steps can be taken to reduce employee misconduct, improve consistency in how these cases are handled by TSA, and identify new opportunities to promote integrity and professionalism within the workforce. GAO's recent report makes several important recommendations to TSA on ways to improve how it handles employee misconduct, and I look forward to discussing those recommendations and what steps TSA has already taken to address those here today.

Finally, I am concerned that TSA's attention to conduct stops short in addressing the issue of failing a covert test. TSA conducts covert testing at airport checkpoints as a way to identify security weaknesses. If a screener fails a covert test, he or she is taken off the line and instructed on what part of the test he or she failed. However, there is apparently no consequence or penalty. Instead, the person is retrained and allowed to go back to the checkpoint to screen for explosives.

I think this issue is worth exploring further. If someone fails multiple tests and a simulated bomb is able to get through security and onto an airplane, what should be the penalty for that individual if our ultimate goal is maximizing the security that is being provided?

I look forward to the witnesses' perspective on this, as well as the other areas for improvement identified by the GAO in its report. Thank you, Mr. Chairman. I yield back the balance of my time.

[The statement of Chairman Hudson follows:]

STATEMENT OF CHAIRMAN RICHARD HUDSON

JULY 31, 2013

I recognize that TSA screeners have a tough job. It is hard to imagine spending all day inspecting hundreds of people and their personal possessions, trying to stop a disaster from happening, but never knowing exactly what the threat looks like or when it might strike.

It is precisely the nature of the job that leaves absolutely no room for misconduct at the screening checkpoints. At best, misconduct is a distraction to the screeners who are actually focused on preventing a bomb from getting on an airplane and killing thousands of innocent people; at worst it is gross negligence that undermines the security of the United States and the confidence of citizens in Government.

Earlier this year, my subcommittee held a series of hearings on TSA's efforts to advance risk-based security, where we discussed the seriousness of the threats we face, and what it will take for TSA to successfully implement Pre-Check and other risk-based screening initiatives.

Now, more than ever, as TSA continues its much-needed transition toward risk-based security (RBS), the agency must fine-tune its hiring practices to ensure that it is employing the best-qualified candidates to secure our Nation's airports and that once hired, each employee is held to the highest possible standard. It is critically important that as TSA moves toward a more concentrated and agile screening process, it also focuses in quality over quantity of its screening personnel.

It's no secret that TSA's image with the American public has been tarnished, and security has been compromised with certain cases of wrongdoing among TSA employees. These instances may not represent the majority of TSA employees, but they do have a direct impact on TSA's relationship with travelers and the overall screening environment. Reports that cases of employee misconduct have increased by nearly 30 percent over the past 3 years do little to instill confidence in an agency that is already fighting an uphill battle.

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I think this issue is worth exploring further: If someone fails multiple tests and a simulated bomb is able to get through security and onto an airplane, what should be the penalty for that individual, if our ultimate goal is to maximize the security that is being provided?

I look forward to the witnesses' perspectives on this, as well as the other areas for improvement identified by the GAO in its report.

Mr. DUNCAN. I thank the gentleman from North Carolina.

The Chairman will now recognize the Ranking Minority Member of the Transportation Security Subcommittee, the gentleman from Louisiana, Mr. Richmond, for a statement he may have.

Mr. RICHMOND. Thank you, Mr. Chairman. I trust that this hearing will be used to facilitate a constructive discussion regarding TSA's application of its disciplinary policies and not a platform for demeaning TSA's front-line workforce.

Transportation security officers have an undeniably hard job and the overwhelming majority of them conduct themselves honorably and in accordance with TSA's protocols. With any large agency and organization, instances of misconduct and the failure to follow standard operating procedures will occur. This principle applies to CBP, ICE, the Secret Service, and the TSA alike.

The distinction with TSA however, is the broad latitude the administrator has been provided to discipline the screener workforce. When TSA was established, Congress granted the administrator sweeping powers to set the terms of employment for screeners, notwithstanding any other provision of law. That means TSOs do not have the right to appeal adverse employment actions to the Merit Systems Protection Board, commonly referred to as the MSPB. This is the case despite the fact that managers and supervisors have the right to appeal to the MSPB themselves should they face disciplinary action. It also means TSOs do not enjoy the protections of the Rehabilitation Act, Equal Pay Act, and a litany of other employment laws.

This dynamic makes it critical for TSA to handle allegations of misconduct in a fair and consistent manner. According to the GAO

report released yesterday, TSA lacks the controls necessary to do just that. The result is a disciplinary system for TSOs that results in what happens—what appears to be arbitrary punishment.

I am pleased that TSA has concurred with all of the GAO recommendations contained within the report. If implemented properly, these recommendations will provide both the public and the transportation security officers assurances that discipline is uniform and allegations of misconduct are properly adjudicated.

I look forward to hearing from Deputy Administrator Halinski on the steps TSA intends to take to implement GAO's recommendations. I also look forward to hearing from Mr. Halinski on the challenges TSA faces in ensuring Nation-wide uniformity as it relates to discipline for screeners who engage in misconduct in light of the Screening Partnership Program.

While TSA has the authority to set the terms of employment and propose disciplinary action for TSOs, its ability to do so for contract screeners is subject to the terms of the various contracts it has with private screening companies. This leads to both Congress and TSA lacking visibility into the disciplinary policies of companies providing passenger screening at over a dozen airports across the country.

I also look forward to hearing from Mr. Lord of the GAO office during the hearing today. His expertise on matters of aviation security and TSA's policies continue to be of great value to the committee as it conducts its oversight of TSA.

Finally, I look forward to hearing from Ms. Outten-Mills—and I hope I didn't mess that up too bad—of the Department of Homeland Security's Office of Inspector General. Her testimony will provide insight into how the OIG and the TSA work collaboratively on allegations of misconduct.

Mr. Chairman, before yielding back, I would like to reiterate my appreciation for you holding this joint hearing today. Approximately one-quarter of the transportation security officer workforce are veterans, and a vast majority of screeners wake up every day with one goal in mind: Protecting our transportation systems from terrorist attacks. Despite Congress neglecting to provide these men and women the standard employment protections afforded to their colleagues in the Federal Government, we should not settle for a system of arbitrary and ad hoc discipline by TSA. Both the screeners and the flying public deserve better.

I would also like to point out that while there is a tendency to focus on allegations of misconduct, we should not ignore the instances of exemplary conduct by TSOs. Earlier this year a TSO in Georgia discovered a total of \$1,000 left unattended in an ATM's cash dispenser. She turned it in. A TSO in New York who was on her way to the baggage room noticed an envelope on the ground with over \$500 inside. Like her colleague in Georgia, she turned the money in. Hopefully, the detour did not result in her being disciplined for tardiness, the most common charge against TSOs, according to the GAO report.

With that, Mr. Chairman, I yield back.

[The statement of Ranking Member Richmond follows:]

STATEMENT OF RANKING MEMBER CEDRIC L. RICHMOND

JULY 31, 2013

I trust that this hearing will be used to facilitate a constructive discussion regarding TSA's application of its disciplinary policies and NOT a platform for demeaning TSA's front-line workforce.

Transportation Security Officers have an undeniably hard job and the overwhelming majority of them conduct themselves honorably and in accordance with TSA's protocols. With any large agency or organization, instances of misconduct and the failure to follow standard operating procedures will occur.

This principle applies to CBP, ICE, the Secret Service, and TSA alike. The distinction with TSA, however, is the broad latitude the administrator has been provided to discipline the screener workforce.

When TSA was established, Congress granted the administrator sweeping powers to set the terms of employment for screeners notwithstanding any other provision of law. That means TSOs do not have the right to appeal adverse employment actions to the Merit Systems Protection Board—commonly referred to as the MSPB. This is the case despite the fact that managers and supervisors have the right to appeal to the MSPB themselves—should they face disciplinary action. It also means TSOs do not enjoy the protections of the Rehabilitation Act, Equal Pay Act, and a litany of other employment laws.

This dynamic makes it critical for TSA to handle allegations of misconduct in a fair and consistent manner. According to the GAO report released yesterday, TSA lacks the controls necessary to do just that. The result is a disciplinary system for TSOs that results in what appears to be arbitrary punishments. I am pleased that TSA has concurred with all of GAO's recommendations contained within the report. If implemented properly, these recommendations will provide both the public and Transportation Security Officers assurances that discipline is uniform and allegations of misconduct are properly adjudicated.

I look forward to hearing from Deputy Administrator Halinski on the steps TSA intends to take to implement GAO's recommendations. I also look forward to hearing from Mr. Halinski on the challenges TSA faces in ensuring Nation-wide uniformity as it relates to discipline for screeners who engage in misconduct in light of the Screening Partnership Program.

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This leads to both Congress and TSA lacking visibility into the disciplinary policies of companies providing passenger screening at over a dozen airports across the country.

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Mr. Chairman, before yielding back, I would like to reiterate my appreciation for you holding this joint hearing today. Approximately one-quarter of the Transportation Security Officer workforce are veterans and the vast majority of screeners wake up every day with one goal in mind—protecting our transportation systems from terrorist attack. Despite Congress neglecting to provide these men and women the standard employment protections afforded their colleagues in the Federal Government, we should not settle for a system of arbitrary and ad hoc discipline by TSA.

Both the screeners and the flying public deserve better. I would also like to point out that while there is a tendency to focus on allegations of misconduct, we should not ignore the instances of exemplary conduct by TSOs. Earlier this year, a TSO in Georgia discovered a total of \$1,000 left unattended in an ATM's cash dispenser. She turned it in. A TSO in New York who was on her way to the baggage room noticed an envelope on the ground with over \$500 inside. Like her colleague in Georgia, she turned the money in.

Hopefully, the detour did not result in her being disciplined for tardiness, the most common charge against TSOs according to the GAO report.

Mr. DUNCAN. I thank the gentleman from Louisiana.

The Chairman will now recognize the Ranking Member of the full committee, Mr. Thompson, gentleman from Mississippi, for an opening statement.

Mr. THOMPSON. Thank you very much, Mr. Chairman. At the outset, I would also remind you that the Democratic Caucus is meeting and the President of the United States is speaking with them at the exact time that we are holding this hearing. So I know why a number of my Members are absent, and I am certain one or two of the Members of this committee might slip out during the hearing also.

Thank you for holding today's hearing. In the aftermath of the terrorist attack of September 11, 2001, multiple layers of security were put in place to protect our aviation system from terrorists and those who seek to do us harm. One of those many layers include the passenger and baggage screening conducted by transportation security officers, commonly referred to as TSOs. Every day, over 400 airports across the country, 47,000 TSOs utilize their training and available technologies to screen passengers and their baggage for weapons and explosives.

The vast majority of TSOs are hard-working, dedicated, diligent Federal employees who take their role within the homeland security enterprise seriously and carry out this mission of the Transportation Security Administration in exemplary fashion. However, as many organizations have, there are some bad apples in the bunch.

Yesterday, the Government Accountability Office released a report entitled "Transportation Security: TSA Could Strengthen Monitoring of Allegations of Employee Misconduct." According to the report, although TSA has improved training and taken steps to improve investigations of misconduct, it still does not have a system in place to ensure that allegations of employee misconduct are adjudicated consistently and uniformly. The bulk of employee misconduct cases are handled at the airport level, meaning that what happens at one airport may differ from what happens at another.

Fortunately, TSA concurred with the full recommendations made by GAO that seeks to improve TSA's procedures and bring consistency to its actions. Some steps, such as establishment of the Office of Professional Responsibility and the creation of a table of offense and penalties, have already been put into action. I look forward to hearing from TSA on how it plans to implement the recommendations made by GAO.

It must be noted, however, that the misconduct that served as the basis for the GAO report covered a wide range of offenses. Fortunately, the largest percentage of cases examined by GAO, 32 percent, covered TSO attendance and leave issues as opposed to matters directly related to security. Those matters which did involve screening and security, accounting for 20 percent of the examined cases, range from sleeping on duty to subjective enforcement of violations of standard operating procedures.

While not making light of these matters, it is important to view them in the proper context and also bear in mind that these incidents were committed by less than 1 percent of the TSO workforce. This is important to highlight because there are some who advocate for doing away with the vital TSO workforce and replacing them with contract screeners. However, there is no indication that dis-

placing 47,000 Federal employees would result in less misconduct or result in lower costs. In fact, contractor screeners are fully funded by taxpayer dollars that would simply be transferred from public to private-sector jobs.

Moreover, cost analysis indicate that contract screeners cost taxpayers 3 to 9 percent more than the cost of Federal screeners at the same airport, and there is no indication that instances of misconduct would decrease. To the contrary, in a December 2012 report released by GAO it was noted that misconduct occurs among contract screeners as well. In particular, GAO found that, among other things, contract screeners have mishandled sensitive security information.

Furthermore, we have a clear picture of a TSO's misconduct, insight into how to rectify current situations, and a direct avenue for exercising oversight of the process. The same is not true when it comes to contractors. In attempting to conduct oversight of the employment practices and discipline policies of contract vendors who provide screening services, I have made repeated requests to the company policies that govern screener activities and the number of instances of misconduct that have occurred among contract screeners. Instead of being provided with this information, the committee was informed that corporate rules prevented the release of this information because it was considered to be proprietary in nature.

If every airport was populated by these contract screeners, that would be the answer Nation-wide, and hearings like the one we are conducting this morning would be an exercise in futility. Moreover, while we are conducting a hearing to publicize the missteps of a very small number of more than 47,000 TSOs, misconduct continues to flourish at other TSA offices outside of the airport environment.

For example, at my request, the Department of Homeland Security Office of Inspector General, whom we will also hear from this morning, found TSA's Transportation Threat Assessment and Credentialing Office, TTAC, exhibited a pattern of poor management practices and inappropriate use of informal administrative processes to assess and address misconduct. They also found that when TTAC personnel attempted to report managerial misconduct, such as workplace bullying, a hostile work environment, and discrimination based on gender, race, religion, age, and disability, they were prevented from filing their actions in some instances, and in other instances remained silent due to fear of retaliation or damage to their careers.

As a result of the OIG report, I requested the Equal Employment Opportunity Commission to dig deeper into these allegations and conduct their own review to determine if these problems exist across the entire TSA. I look forward to hearing from OIG on whether the TSA has followed up on the recommendations. I thank the witnesses for appearing today and yield back the balance of my time.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JULY 31, 2013

In the aftermath of the terrorist attacks of September 11, 2001, multiple layers of security were put in place to protect our aviation system from terrorists and those who seek to do us harm.

One of those many layers included passenger and baggage screening conducted by Transportation Security Officers (TSOs). Every day, at over 400 airports across the country, 47,000 TSOs utilize their training and available technologies to screen passengers and their baggage for weapons and explosives.

The vast majority of TSOs are hard-working, dedicated, diligent Federal employees who take their role within the homeland security enterprise seriously and carry out the mission of the Transportation Security Administration (TSA) in exemplary fashion.

However, as with any organization, there are some bad apples in the bunch. Yesterday, the Government Accountability Office (GAO) released a report entitled: "Transportation Security: TSA Could Strengthen Monitoring of Allegations of Employee Misconduct." According to the report, although TSA has improved training and taken steps to improve the investigations of misconduct, it still does not have a system in place to ensure that allegations of employee misconduct are adjudicated consistently and uniformly.

The bulk of employee misconduct cases are handled at the airport level meaning that what happens at one airport may differ from what happens at another. Fortunately, TSA concurred with the four recommendations made by GAO that seek to improve TSA's procedures and bring consistency to its actions.

Some steps such as the establishment of the Office of Professional Responsibility and the creation of a Table of Offense and Penalties have already been put into action. I look forward to hearing from TSA on how it plans to implement the recommendations made by GAO.

It must be noted, however, that the misconduct that served as the basis for the GAO report covered a wide range of offenses. Fortunately, the largest percentage of cases examined by GAO—32%—covered TSO attendance and leave issues, as opposed to matters directly related to security. Those matters which did involve screening and security, accounting for 20% of the examined cases, ranged from sleeping on duty to subjective enforcement of violations of standard operating procedures.

While not making light of these matters, it is important to view them in the proper context and also bear in mind that these incidents were committed by less than 1% of the TSO workforce. This is important to highlight because there are some who advocate for doing away with the vital TSO workforce and replacing them with contract screeners.

However, there is no indication that displacing 47,000 Federal employees would result in less misconduct or result in lower costs. In fact, contractor screeners are fully funded by taxpayer dollars that would simply be transferred from public to private-sector jobs. Moreover, cost analysis indicates that contractor screeners cost taxpayers 3 to 9 percent more than the cost of Federal screeners at the same airports.

And there is no indication that instances of misconduct would decrease. To the contrary, in a December 2012 report released by GAO, it was noted that misconduct occurs among contract screeners as well. In particular, GAO found that, among other things, contract screeners have mishandled sensitive security information.

Furthermore, we have a clear picture of TSO misconduct, insight into how to rectify current situations, and a direct avenue for exercising oversight of the process. The same is not true when it comes to contractors.

In attempting to conduct oversight of the employment practices and discipline policies of contract vendors who provide screening services, I have made repeated requests for the company policies that govern screener activities and the number of instances of misconduct that has occurred among contract screeners.

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Moreover, while we are conducting a hearing to publicize the missteps of a very small number of the more than 47,000 TSOs, misconduct continues to flourish at other TSA offices outside of the airport environment.

For example, at my request, the Department of Homeland Security Office of Inspector General, whom we will also hear from this morning, found TSA's Transportation Threat Assessment and Credentialing Office (TTAC) exhibited "a pattern of poor management practices and inappropriate use of informal administrative processes to assess and address misconduct." They also found that when TTAC personnel attempted to report managerial misconduct, such as workplace bullying, a hostile work environment, and discrimination based on gender, race, religion, age, and disability, they were prevented from filing their actions in some instances, and in other instances, remained silent due to fear of retaliation or damage to their careers.

As a result of the OIG report, I have asked the Equal Employment Opportunity Commission to dig deeper into these allegations and conduct their own review to determine if these problems exist across the entire TSA.

I look forward to hearing from the OIG on whether TSA has followed up on its recommendations.

Mr. DUNCAN. Okay. Thank the Ranking Member for being here.

I know you all will need to step out, but we will continue the hearing and welcome you back when you come.

I just want to pause for a minute and give much thanks to both the Majority and Minority staff who helped prepare these hearings, prepare the witnesses, and prepare the Members. So I thank you guys for the tremendous work you do for the committee.

Other Members of the subcommittees are reminded that opening statements may be submitted for the record.

We are pleased to have a distinguished panel of witnesses before us today on this important topic. Let me remind the witnesses that their entire written statement will appear in the record. I will introduce each of you first and then recognize you individually for your testimony.

Our first witness is Mr. John Halinski, currently serving as deputy administrator for the Transportation Security Administration. Mr. Halinski has joined TSA in July 2004, and served as assistant administrator in the Office of Global Strategies before assuming his role as deputy administrator. As assistant administrator from 2010 to 2012, Mr. Halinski was responsible for enhancing international transportation security through compliance, outreach, and engagement and capacity development. Previously, Mr. Halinski served 25 years in the Marine Corps in a variety of positions.

As I have said before, thank you, sir, for your service to our Nation in the United States Marine Corps.

Mr. Stephen Lord is director in the Government Accountability Office, GAO Forensic Audit and Investigative Services team. Until recently he was a director of homeland security and justice issues responsible for overseeing and directing the GAO's various engagements on issues related to aviation and surface transportation. His recent reviews of TSA's screening programs for passengers, checked baggage, and air cargo led to significant improvements in the agency's operations. Before being appointed to this position in 2007, Mr. Lord worked with the GAO on a number of important issues related to international security, trade, and finance.

Ms. Deborah Outten-Mills currently serves as the acting assistant inspector general for inspections for the Department of Homeland Security, Office of Inspector General. Ms. Outten-Mills has been with DHS OIG since 2006, also served as chief inspector. Prior to her service at DHS, Ms. Outten-Mills was the director of Department of Housing and Urban Development's Quality Assurance Division with the responsibility for offices located Nation-

wide. Since her Federal career began in 1980, she has served in multiple leadership positions for various offices of inspectors general, including Department of Agriculture, the Naval Audit Service, and the Department of Labor.

I want to thank you all for being here today. I will now recognize Mr. Halinski for his opening testimony.

STATEMENT OF JOHN W. HALINSKI, DEPUTY ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Mr. HALINSKI. Good morning, I am not sure it is working, sir. Good morning, sir. Good morning, Chairman Hudson, Chairman Duncan. Thank you for the opportunity to testify today. I appreciate the committee's interest in helping TSA develop, achieve, and maintain the highest professional standards for the diverse National workforce we employ.

Every day, our agency's employees screen 1.8 million air travelers, vetting more than 14 million passengers and over 13 million transportation workers against terrorist watch lists each week. As public servants dedicated to protecting the Nation's vital transportation network, the TSA workforce must adhere to the highest standards of conduct, integrity, professionalism.

Mr. DUNCAN. Director Halinski, we are going to just ask you to pause for just a second. Let's see if we can get that mike going. We do have—it is running on some broadcasts, so we want to make sure we get that going.

Mr. HALINSKI. I can use Mr. Lord's if it makes it easier.

Mr. DUNCAN. Okay, you can continue. I apologize.

Mr. HALINSKI. All right, sir.

As public servants dedicated to protecting the Nation's vital transportation network, the TSA workforce must adhere to the highest standards of conduct. Integrity, professionalism, and hard work are more than the principles to guide employee behavior. They are the expectations we have for every TSA employee.

The overwhelming majority of TSA employees are good people doing good work. Nonetheless, misconduct occurs, and when it does TSA takes prompt and appropriate action. Accountability is vital to our success. Our reputation is tarnished any time a TSA employee violates the public trust and fails to live up to TSA's high standard of conduct.

As Administrator Pistole and I have shared in previous testimony, excellence in the workplace begins with a dedicated and professional workforce. With this in mind, Administrator Pistole established two new offices within TSA, the Office of Training and Workforce Engagement and the Office of Professional Responsibility.

Shortly after Mr. Pistole was confirmed, he led a series of town hall meetings at which employees expressed concern regarding the consistent application of the agency's disciplinary process. To address their concerns, Administrator Pistole established the Office of Professional Responsibility to ensure that allegations of misconduct are thoroughly investigated and that discipline is appropriate, consistent, and fair across the agency.

Since it was established the Office of Professional Responsibility has brought greater efficiency, timeliness, and objectivity to the discipline process. To complement these fundamental improvements, the office developed a table of offenses and penalties which is published and available to all TSA employees. Our Office of Professional Responsibility promotes greater efficiency by implementing and tracking time lines associated with adjudicating allegations of misconduct.

With recent improvements, TSA welcomes GAO recommendations on how we can further refine these important efforts. A recent GAO audit reviewed a total of 9,622 cases over 3 years where individuals failed to meet TSA's standard of conduct. The majority of these cases involved administrative issues such as attendance and leave, and issues associated with not following management directives.

Instances involving threat from 2010 to 2012 were less than 0.07 percent of our total workforce. Issues involving sleeping accounted for less than 0.1 of 1 percent of our workforce or 1.3 percent.

While even those cases are too many, the agency investigates all allegations of misconduct and takes appropriate action, which can include referral to law enforcement and termination of employment. In most serious cases of workforce misconduct, involving drugs, threat, and intentional security breaches, TSA uses an expedited removal process. As GAO noted, TSA responds to instances of misconduct through a series of actions ranging from letters of reprimand to suspension from work, and in instances where the nature of the misconduct is more serious, removal from the TSA workforce.

To maintain a high-caliber workforce, TSA recognizes that all aspects of its employment system must be reviewed, including the methods used to monitor allegations of employee misconduct. As such, TSA concurs with the four recommendations GAO provided and is undertaking these efforts to achieve those objectives. Some of these efforts are discussed in greater detail in the written statement I have submitted for the record.

Towards the end of 2012, Administrator Pistole directed the TSA Office of Inspection to begin conducting covert integrity tests at airports around the country, noting we cannot and do not tolerate theft and will take swift action to hold accountable any employees engaged in criminal activity. The tests are on-going, and since December the Office of Inspection has conducted more than 640 integrity tests in 76 airports around the country. Only three TSA employees, each in a different airport, have been caught stealing during the Office of Inspection's integrity testing and were subsequently terminated within 24 hours.

If you consider how many employees Nation-wide were exposed to the test items throughout the screening process, many employees had the opportunity to do the wrong thing but only three did. TSA's workforce has a fundamental role in providing security for the traveling public. The public has every right to expect the TSA workforce to adhere to the highest professional standards.

On a personal note, let me be clear that Administrator Pistole and I maintain a zero tolerance policy with respect to employee misconduct. We appreciate the opportunity to work with each of

you to strengthen the quality of our workforce. Thank you, and I look forward to answering your questions.

[The prepared statement of Mr. Halinski follows:]

PREPARED STATEMENT OF JOHN W. HALINSKI

JULY 31, 2013

Good morning Chairmen Hudson and Duncan, and Ranking Members Richmond and Barber. Thank you for the opportunity to testify today about the Transportation Security Administration's (TSA) role in promoting a strong counterterrorism workforce to safeguard the traveling public and secure our Nation's transportation systems. TSA appreciates the committee's interest in helping TSA achieve the highest professional standards for our workforce.

Both in the field and at headquarters, the TSA workforce is vigilant in ensuring the security of people and commerce that flow through our Nation's vast transportation networks. TSA employs risk-based, intelligence-driven operations to prevent terrorist attacks and to reduce the vulnerability of the Nation's transportation system to terrorism. Our goal at all times is to maximize transportation security to stay ahead of evolving terrorist threats while protecting privacy and facilitating the flow of legitimate travel and commerce. TSA's security measures create a multi-layered system of transportation security that mitigates risk. We continue to evolve our security approach by examining the procedures and technologies we use, how specific security procedures are carried out, and how screening is conducted.

The TSA workforce occupies the front line in executing the agency's transportation security responsibilities in support of the Nation's counterterrorism efforts. These responsibilities include security screening of passengers and baggage at 450 airports in the United States that facilitate air travel for 1.8 million people per day; vetting more than 14 million passengers and over 13 million transportation workers against terrorist watch lists each week; and conducting security regulation compliance inspections and enforcement activities at airports, for domestic and foreign air carriers, and for air cargo screening operations throughout the United States and at last point of departure locations internationally.

TSA also ensures the security of surface transportation operations. To date, we have conducted more than 29,000 Visible Intermodal Prevention and Response or VIPR operations in surface transportation. We have 37 multi-modal VIPR teams working in transportation sectors across the country to prevent or disrupt potential terrorist planning activities. Since 2006, TSA has completed more than 290 Baseline Assessments for Security Enhancement for transit, which provides a comprehensive assessment of security programs in critical transit systems. We are seeing the benefits of how these important steps—combined with our well-trained and highly-motivated workforce and our multiple layers of security including cutting-edge technology—keep America safe every day.

TSA is committed, not only to improving the effectiveness of security, but to doing so in the most cost-effective manner possible. Through advancements in workforce efficiency, TSA has been able to accommodate the increased workload that has accompanied the current practice of many airlines to charge fees for all checked baggage, the restrictions on liquids aerosols and gels we had to implement to counter a known terrorist threat, and the screening required for the significant increase in the number of laptops carried by passengers. By employing smarter security practices in developing and deploying our people, processes, and technologies we are delivering more effective security in a more efficient manner, and we will continue to do so.

MAINTAINING A WORKFORCE OF THE HIGHEST CALIBER

A dedicated TSA workforce assures the traveling public that they are protected by a multi-layered system of transportation security that mitigates risk. An effective workforce must be properly trained while good management and appropriate pay are key ingredients in preserving a motivated and skilled workforce. To this end, TSA has implemented employee development initiatives like the Leaders at Every Level (LEL), through which TSA identifies high-performing employees and fosters commitments to excellence and teamwork, and the Associates Program, which builds morale and provides the workforce an opportunity to enhance technical and non-technical skills through formal training and education programs. The implementation of a new four-tier performance management program for non-Transportation Security Officers (TSOs) enables the workforce to actively engage in developing their annual performance goals in collaboration with their supervisors, while

promoting two-way communication between employees and their supervisors throughout the performance year. Providing a mechanism to proactively identify opportunities to improve their performance has increased employee morale.

As public servants, TSA employees must adhere to the highest ethical and personal conduct standards. All aspects of our workforce regimen—hiring, promotion, retention, training, proactive compliance inspections, investigations, and adjudications—are driven by adherence to the highest ethical standards. In 2011, Administrator Pistole established two new offices within TSA—the Office of Training and Workforce Engagement (OTWE) and the Office of Professional Responsibility (OPR). In order to strengthen training and ensure that it continues to receive the appropriate level of attention, OTWE oversees the development and delivery of training, learning, formal development, and workforce engagement programs for employees. New hire training modules feature an introduction to TSA's employee responsibilities and conduct while leadership training is designed to prepare candidates to address conduct issues through required rotations in the Office of Inspection (OOI) and OPR.

Through a series of town hall meetings with field employees, TSA recognized the need for consistent application of the agency's disciplinary process. As a result, Administrator Pistole established OPR to ensure that allegations of misconduct are thoroughly investigated and that discipline is appropriate, consistent, and fair across the agency. In addition, OPR developed a Table of Offenses and Penalties in September 2011, which is available to all TSA employees and identifies TSA policies and possible consequences of violation including penalties for each type of offense. OPR also promotes greater efficiency for disciplinary actions by implementing and tracking time lines for adjudicating allegations of misconduct. OPR officials are required to issue closure letters, corrective actions, and proposal notices within 30 days from receipt of the report of investigation, and OPR must issue a decision within 21 days from receipt of the employee's reply.

“INSIDER THREAT” PROGRAM ADDRESSES POTENTIAL VULNERABILITY

While the vast majority of TSA employees are hard-working, professional, and abide by the highest ethical standards, a single bad act by one employee can create a security vulnerability. TSA has also developed and implemented an Insider Threat Program aimed at deterring, detecting, and mitigating insider threats to TSA's personnel, operations, information, and critical infrastructure. The Insider Threat Program conducts a multi-layered approach to gather and analyze information identifying possible vulnerabilities involving personnel or information systems; coordinates with DHS and other counterintelligence programs to assess and mitigate allegations of insider threat activity; and conducts employee awareness training to educate TSA personnel and airport stakeholders regarding insider threats. TSA employees are encouraged to report any suspicious encounters, activities, or behaviors that might constitute an insider threat to their immediate supervisor or through an available Insider Threat Program website or phone number.

GAO REVIEW OF TSA EMPLOYEE MISCONDUCT

A recent audit by the Government Accountability Office (GAO) reviewed data from TSA that found a total of 9,622 cases over a 3-year period (fiscal years 2010 through 2012) where individuals failed to meet TSA's standards of conduct. It is important to note the report covers a broad range of misconduct ranging from tardiness to serious security risks. Of the total cases reviewed by GAO, 3,117 involved attendance and leave, which are issues that challenge all employers in both the public and private sectors. The most serious categories including neglect of duty, integrity, and ethics, and falsification represented 11% or 1,122 cases. TSA investigates all allegations of misconduct and takes appropriate action, which can include referral to law enforcement and termination of employment. In the most serious cases of screening workforce misconduct involving drugs, theft, and intentional security breaches, TSA uses an expedited removal process while ensuring due process.

The majority of misconduct cases are handled by the Office of Security Operations (OSO) management officials at the airports. These cases include attendance and leave, security and screening violations, and alcohol-related violations involving TSOs, Lead and Supervisory TSOs, Transportation Security Managers, Transportation Security Inspectors, Behavior Detection Officers, and other airport staff. TSA responds to instances of misconduct through a series of actions, ranging from Letters of Reprimand to suspension from work, and in instances where the nature of the misconduct is egregious, removal from the TSA workforce. Generally, to effect these actions, TSA management officials issue a Notice of Proposed Action and provide the employee the opportunity to review the evidence supporting the charge and

the opportunity to respond orally and/or in writing. Management officials then consider the input from the affected employee prior to issuing a written decision.

CONCLUSION

As we review and evaluate the effectiveness of TSA's aviation security enhancements, we must always be cognizant of the fact that these enhancements are only as good as the people who operate, staff, and manage them. As we strive to continue strengthening transportation security and improving, whenever possible the overall travel experience for all Americans, we must always remember that our success is defined in the final analysis by our people. Whether it is for business or for pleasure, the freedom to travel from place to place is fundamental to our way of life, and to do so securely is a goal to which everyone at TSA is fully committed.

Thank you for the opportunity to appear before you today. I will be happy to address any questions you may have.

Mr. DUNCAN. Thank you.

The Chairman will now recognize Mr. Lord for an opening statement.

STATEMENT OF STEPHEN M. LORD, DIRECTOR, FORENSIC AUDITS AND INVESTIGATIVE SERVICES, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. LORD. Chairmen Duncan and Hudson, Ranking Member Thompson, thanks for inviting me here today to discuss the results of our TSA misconduct report released yesterday. I think this is a timely hearing given recent press accounts about these types of incidents, and also TSA's recent efforts to address them.

I think it is important to note as context that TSA manages a transportation security officer workforce of 56,000 spread across 450 airports. In some ways it is a difficult workforce to address, and it also underscores the need to have clearly-defined and consistently-applied procedures to not only investigate, but adjudicate instances of misconduct.

Today I would like to discuss two issues highlighted in our recent report. The first is the magnitude of the problem; and second, it is a little more insight on how TSA investigates and adjudicates these allegations.

Regarding the numbers, TSA investigated, adjudicated 9,600 cases over the last 3 years. That is an average of about 3,200 per year. As Mr. Halinski noted, about half of these cases focused on two areas, attendance and leave, as well as security and screening. It is interesting when you look at how TSA responded to these cases, of the 9,600 cases, about half resulted in letters of reprimand; 31 percent resulted in suspensions; and 17 percent resulted in the employee's removal from TSA.

It is important to note that TSA has taken some positive steps to address these issues recently. For example, they established the Office of Professional Responsibility and also rolled out a new training program for airport staff. However, as we highlighted in the report issued yesterday, they still need to enhance the current process by taking four key actions.

First, they need to verify that airport staff complied with the procedures for adjudicating these cases. Why is that the case? We found that the TSA review board, once they have reviewed some of these misconduct cases, they either overturned or rolled back the penalty in 15 percent of the cases. We looked at over 800 of these

cases, and again, this suggests the need for more consistency in the process.

A second key point is TSA needs to do a better job of recording the results of its adjudication in its so-called Integrated Database. We found when we visited seven airports, five of the airports we interviewed the staff, they weren't using the so-called Integrated Database to record all the incidents. Recording the outcome of these cases is important, especially when TSA employees move across airports. You really need to know what their track record is if you are going to have any disciplinary issues with them.

Third, TSA needs to do a better job of tracking the time taken to not only investigate the cases, but adjudicate them. I call that the start-to-finish time. You really need a little more awareness of how long it has taken to close these cases. It is interesting to note, while TSA has standards it expects its staff to comply with, it really doesn't track performance against these standards in terms of timeliness. We think tracking these cycle times would really give management some good insights on what airports—if there are any special issues or what types of cases are problematic.

Finally, we recommended that TSA establish so-called reconciliation procedures. That means once you complete an investigation you need to adjudicate it. That is, apply the appropriate penalty. We noticed they weren't, they didn't close the loop on a few cases. We looked at 50. We found two that hadn't been fully adjudicated. That is a small number, but, you know, given the numbers involved, we thought that could be symptomatic of a larger problem.

In closing, as we highlighted in our report released yesterday, TSA still needs to take some key actions to enhance the current process, and this will help instill greater public confidence in the TSA staff interacting with the public at over 450 airports. As Mr. Halinski and some Members already noted, you do not want the misdeeds of a few bad apples to sully the reputation of a lot of hard-working, dedicated employees.

The good news, as Mr. Halinski said, is TSA has endorsed our recommendations, and we will work with them closely over the next few months to see how they implement them in practice.

Chairman Duncan, this concludes my prepared statement. I look forward to responding to any questions. Thank you.

[The prepared statement of Mr. Lord follows:]

PREPARED STATEMENT OF STEPHEN M. LORD

JULY 31, 2013

GAO-13-756T

Chairmen Duncan and Hudson, Ranking Members Barber and Richmond, and Members of the subcommittees: I am pleased to be here to discuss the findings of our report issued yesterday assessing the Transportation Security Administration's (TSA) efforts to address employee misconduct.¹ TSA employs approximately 56,000 transportation security officers (TSO) and other TSA personnel to ensure the security of the traveling public at more than 450 TSA-regulated airports Nation-wide.²

¹ GAO, *Transportation Security: TSA Could Strengthen Monitoring of Allegations of Employee Misconduct*, GAO-13-624 (Washington, DC: July 30, 2013).

² The total number of TSA employees at TSA-regulated airports represents personnel within the Office of Security Operations, such as TSOs, supervisory TSOs, lead TSOs, transportation security managers, transportation security inspectors, and behavior detection officers. This

Continued

News stories in recent years have highlighted several high-profile allegations of misconduct by TSA employees, including TSOs being involved in theft and drug-smuggling activities, as well as circumventing mandatory screening procedures for passengers and baggage. For example, in 2011, a TSO at the Orlando International Airport pleaded guilty to Federal charges of embezzlement and theft for stealing more than 80 laptop computers and other electronic devices, valued at \$80,000, from passenger luggage. TSOs engaging in misconduct raise security concerns because these employees are charged with helping to ensure the security of our Nation's aviation system.

The process of addressing TSA employee misconduct involves various components within the Department of Homeland Security (DHS). For example, depending on the facts and circumstances of a case, the DHS Office of Inspector General (OIG), TSA Office of Inspection (OOI), or TSA Office of Security Operations (OSO) may conduct an investigation into allegations of TSA employee misconduct. OSO generally adjudicates cases at airports—that is, determines whether the evidence is sufficient to propose and sustain a charge of misconduct and determines the appropriate penalty. The Office of Professional Responsibility (OPR), an independent office that TSA established in 2010 to provide greater consistency in misconduct penalty determinations, adjudicates a more specialized set of cases, such as misconduct involving senior-level TSA employees at airports and other locations.

My testimony this morning will address the key findings from the report on TSA's efforts to address employee misconduct that we issued yesterday.³ Specifically, like the report, my statement will address: (1) Data on TSA employee misconduct cases and (2) TSA efforts to manage and oversee the investigations and adjudications process.

For the report, we reviewed standard operating procedures, policy statements, and guidance for staff charged with investigating and adjudicating allegations of employee misconduct, and analyzed TSA misconduct data from fiscal years 2010 through 2012. While we identified some limitations with the data, we found the data sufficiently reliable for providing general information on the nature and characteristics of employee misconduct. We compared TSA processes for investigations and adjudications with TSA policies and procedures and *Standards for Internal Control in the Federal Government*.⁴ In addition, we selected a sample of 7 airports, based on variances in number and type of past cases of employee misconduct and geographic dispersion, from the approximately 450 TSA-regulated airports Nation-wide, and conducted site visits and interviews with TSA officials responsible for addressing employee misconduct. While not generalizable, the airport interviews provided us with the perspectives of TSA officials responsible for conducting TSA employee misconduct investigations or adjudications. We also analyzed a random, nongeneralizable sample of 50 allegations referred from the DHS OIG to TSA to identify follow up actions. We conducted this work in accordance with generally accepted Government auditing standards. More detailed information on the scope and methodology can be found in our published report.

**TSA INVESTIGATED AND ADJUDICATED APPROXIMATELY 9,600 MISCONDUCT CASES FROM
FISCAL YEARS 2010 THROUGH 2012**

In July 2013, we reported that TSA investigated and adjudicated approximately 9,600 cases of employee misconduct from fiscal years 2010 through 2012, according to TSA employee misconduct data that we analyzed.⁵ Two offense categories accounted for about half of all cases—(1) Attendance and leave, which accounted for 32 percent; and (2) screening and security, which accounted for 20 percent. Charges for screening and security-related incidents pertain to violating standard operating procedures, including not conducting security or equipment checks, and allowing patrons or baggage to bypass screening. TSA developed a Table of Offenses and Penalties that delineates common employee charges, along with a suggested range of penalties. Of the cases that we analyzed, 47 percent resulted in letters of reprimand, which describe unacceptable conduct that is the basis for a disciplinary action; 31 percent resulted in suspensions of a definite duration; and 17 percent re-

statement is focused on TSA personnel at TSA-regulated airports. We excluded TSA employees at headquarters, the Federal Air Marshal Service, regional offices, and other non-airport locations, and do not include private-sector screeners employed by contractors providing screening services at airports participating in TSA's Screening Partnership Program.

³ GAO-13-624.

⁴ GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, DC: Nov. 1, 1999).

⁵ Employee misconduct cases refer to allegations for which TSA has completed an investigation and adjudication.

sulted in the employee's removal from TSA. The remaining cases covered a variety of outcomes, including suspensions of an indefinite duration.

TSA HAS TAKEN STEPS TO HELP MANAGE THE INVESTIGATIONS AND ADJUDICATIONS PROCESS, BUT COULD DEVELOP ADDITIONAL PROCEDURES TO BETTER MONITOR EMPLOYEE MISCONDUCT CASES

In our July 2013 report, we found that TSA has taken steps to help manage the investigations and adjudications process, such as creating OPR in 2010 to provide greater consistency in misconduct penalty determinations and providing training for TSA staff at airports responsible for investigating and adjudicating allegations of employee misconduct. While TSA has taken these steps, we reported weaknesses in four areas related to monitoring of employee misconduct cases: (1) Verifying that TSA staff at airports comply with policies and procedures for adjudicating misconduct, (2) recording case information on all adjudication decisions, (3) tracking the time taken to complete all phases of the investigations and adjudications process, and (4) identifying allegations not adjudicated by the agency.

Verifying that TSA staff comply with policies and procedures for adjudicating misconduct.—TSA does not have a process for reviewing misconduct cases to verify that TSA staff at airports are complying with policies and procedures for adjudicating employee misconduct. According to TSA policies and procedures, adjudicating officials need to collect sufficient evidence to support penalty charges and consider factors, such as an employee's disciplinary track record, in making a penalty determination. However, some misconduct cases have been overturned or the penalties reduced through the appeals process because staff at airports had not supported the charges with sufficient evidence, among other things. For example, from January 2011 to June 18, 2013, the OPR Appellate Board—which reviews appeals made by TSOs on certain actions, such as suspensions of 15 days or more—either overturned or reduced the penalty in 125 out of 836 cases (15 percent). A senior TSA official agreed that TSA would benefit from a review process to help verify that staff at airports are making adjudication decisions in conformance with policies and procedures. Without a review process, it is difficult for TSA to provide reasonable assurance that cases have been adjudicated properly and that risk to the agency is mitigated accordingly. Therefore, in our July 2013 report, we recommended that TSA establish a process to conduct reviews of misconduct cases to verify that TSA staff at airports are complying with policies and procedures for adjudicating employee misconduct. DHS concurred and stated that TSA is developing a process to provide increased auditing of disciplinary records. TSA expects to develop this process by March 31, 2014.

Recording case information on all adjudication decisions.—TSA does not record the results of all misconduct cases that have been adjudicated by TSA airport staff in its Integrated Database, which is TSA's centralized system for tracking and managing employee misconduct cases. For example, the agency does not record all cases that resulted in a corrective action, which are actions that are administrative in nature, such as a letter of counseling. Specifically, we found that 5 out of the 7 airports included in our sample do not consistently track corrective actions in the Integrated Database. A senior TSA official agreed that there is a strong need for TSA to clarify that TSA staff at airports should record corrective actions in the database. Recording all outcomes in the Integrated Database would help provide a centralized, institutional record on past misconduct. It would also enable managers to follow a progressive discipline approach, which is the process of taking progressively more severe action, when appropriate, until the unacceptable conduct is corrected or the employee is removed from the agency. Thus, in our July 2013 report, we recommended that TSA develop and issue guidance to the field clarifying the need for TSA officials at airports to record all misconduct case outcomes in the Integrated Database. DHS concurred and stated that TSA will develop and disseminate additional guidance to the field to ensure that all outcomes are recorded in the database. TSA expects to develop and disseminate additional guidance to the field by August 30, 2013.

Tracking the time taken to complete all phases of the investigations and adjudications process.—While TSA has established standards for the amount of time to complete the investigations and adjudications process, the agency has not required TSA staff at airports to track their performance against the standards. Specifically, our review of TSA data from the Integrated Database on misconduct cases handled by TSA airport staff identified that TSA does not capture information on the amount of time taken to complete the investigations and adjudications process, including the number of days to complete an investigation and issue a notice of proposed action. Tracking cycle times would provide TSA with operational information, such as dif-

ferences in processing time by, among other things, type of case, and could allow the agency to identify any delays, such as challenges associated with evidence collection. According to TSA senior officials, tracking cycle times for investigations and adjudications completed by airport staff would also provide valuable information on the differences in case processing time frames across airports. In our July 2013 report, we recommended that TSA establish an agency-wide policy to track cycle times in the investigations and adjudications process. DHS concurred and stated that TSA will develop a process and mechanism to track cycle times for misconduct cases handled by TSA airport staff. TSA expects to develop a process and mechanism by March 31, 2014.

Identifying allegations not adjudicated by TSA.—TSA does not have reconciliation procedures—that is, procedures to follow up on completed misconduct investigations to ensure that the agency has identified cases requiring adjudication. According to a random sample of 50 allegations referred from DHS OIG to TSA in fiscal year 2012, we found that 2 were not adjudicated by TSA. As a result of our review, TSA made adjudication decisions on these allegations, one of which resulted in a 14-day suspension for the employee because of disruptive behavior in the workplace. The results from our sample cannot be generalized to the entire population of over 1,300 allegations referred from DHS OIG to TSA in fiscal year 2012; however, it raises questions as to whether there could be additional instances of allegations referred to TSA in this population that the agency has not adjudicated. A senior TSA official agreed that a reconciliation process would offer benefits to TSA as there may be other allegations the agency is unaware of that have been investigated but not adjudicated. Therefore, in our July 2013 report, we recommended that TSA develop reconciliation procedures to identify allegations of employee misconduct not previously addressed through adjudication. DHS concurred and stated that TSA will implement a reconciliation process to ensure that completed misconduct investigations are adjudicated. TSA expects to implement a reconciliation process by March 31, 2014.

Chairmen Duncan and Hudson, Ranking Members Barber and Richmond, and Members of the subcommittees, this concludes my prepared statement. I look forward to responding to any questions that you may have.

Mr. DUNCAN. Thank you, Mr. Lord.

The Chairman will now recognize Ms. Outten-Mills for 5 minutes. Am I pronouncing that correctly, Outten-Mills?

Ms. OUTTEN-MILLS. Outten-Mills.

Mr. DUNCAN. Outten? Okay. I apologize for mispronouncing it earlier. Ms. Outten-Mills is recognized for 5 minutes.

STATEMENT OF DEBORAH L. OUTTEN-MILLS, ACTING ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY

Ms. OUTTEN-MILLS. Thank you. Good morning, Chairmen Hudson and Duncan and Ranking Member Thompson. Thank you for the opportunity to testify on integrity and misconduct challenges in TSA.

To protect the American people in their homeland, it is paramount to maintain employee integrity and accountability. Within DHS, OIG maintains primary law enforcement authority to investigate allegations of employee misconduct and fraud involving DHS programs, operations, and activities. Other Departmental internal affairs units investigate allegations of employee misconduct that OIG either refers back to them or that do not require referral to OIG. These allegations generally relate to administrative or non-criminal matters.

For fiscal year 2004 through 2012, DHS received approximately 130,000 allegations through the OIG hotline and from various internal affairs offices within the Department, and we initiated investigation on about 10,000 allegations. OIG investigations hotline

staff processes all complaints that come to the OIG. When OIG declines a case, it is referred back to the applicable component agency for further inquiry or investigation. Unless specifically requested, OIG does not track what happens to the complaint after it is referred to the component.

Within TSA, the Office of Inspection is responsible for conducting internal investigations of employee misconduct. This office operates under a blanket waiver that waives referrals to OIG for certain alleged offenses. The waiver was based on our observation that we had accepted for investigation about 3 percent of these types of referred allegations and had requested reports of results for only 10 percent of the cases referred back to TSA for investigation.

In fiscal year 2012, OIG received approximately 16,400 complaints of misconduct. Of these cases, 1,358 were related to TSA. OIG initiated investigations for approximately 90 cases and referred about 1,268 complaints to TSA's Office of Inspection.

While none of our work focused primarily on TSA's challenges in dealing with misconduct issues, we identified reports that may provide some insight into TSA's efforts to address allegations of employee misconduct and strengthen their ability to monitor employee misconduct.

In October 2012, we issued a report, "Personal Security and Internal Control at TSA's Legacy Transportation Threat Assessment and Credentialing Office," TTAC, to determine whether personnel with critical roles in transportation security had sufficient oversight. TTAC was established as the lead for conducting security threat assessments and credentialing initiatives for domestic passengers, transportation industry workers, and individuals seeking access to critical infrastructure.

We determined that within the legacy TTAC office there has been a pattern of poor management practices and inappropriate use of informal administrative processes to assess and address misconduct. Senior legacy TTAC leaders sought to address allegations of misconduct through training and informal internal administrative processes, but its efforts were not successful. Employee complaints channelled through TSA's formal grievance processes were managed and documented appropriately, but not all employees had sufficient information to access formal redress options.

We recommended that TSA, for a minimum of 2 years, that the legacy TTAC office refer all personnel-related complaints, grievances, disciplinary actions, investigations, and inspections to appropriate TSA or DHS offices with primary oversight responsibility.

We also recommended that they provide employees with a Know Your Rights and Responsibilities website, and that they establish an independent review panel through which legacy TTAC employees may request a review of desk audits. We also conducted a review of allegations of misconduct and illegal discrimination retaliation in the Federal Air Marshal Service. In 2010, CNN reported allegations of misconduct and illegal discrimination and retaliation in the FAMS Orlando field office. While our review did not find widespread discrimination and retaliation within FAMS, we identified inconsistencies in how field offices handle and report misconduct incidents to headquarters, the severity of discipline decisions for

employee misconduct, and timeliness issues for executing various portions of the discipline process.

We recommended that TSA provide guidance regarding the types of incidents that should be reported to the Office of Inspections, that they provide clarification about discipline actions, and develop a comprehensive tracking system.

This concludes my prepared remarks, and I welcome any questions that you or the Members may have.

[The prepared statement of Ms. Outten-Mills follows:]

PREPARED STATEMENT OF DEBORAH L. OUTTEN-MILLS

JULY 31, 2013

Good morning Chairman Duncan, Ranking Member Barber, Chairman Hudson, and Ranking Member Richmond. Thank you for the opportunity to testify on integrity and misconduct challenges in the Transportation Security Administration.

To protect the American people and their homeland, it is paramount to maintain employee integrity and accountability. Within the Department of Homeland Security, the Inspector General Act of 1978 and the Homeland Security Act of 2002 give the Department's Office of Inspector General (OIG) primary law enforcement authority to investigate allegations of employee misconduct and contractor or grantee fraud involving DHS programs, operations, and activities. Other Departmental internal affairs units investigate allegations of employee misconduct that OIG either refers to them, or that do not require referral to OIG. These allegations generally relate to administrative or non-criminal matters.

For fiscal years 2004 through 2012, DHS OIG received about 130,000 allegations through the OIG Hotline, and from various internal affairs offices within the Department, and initiated investigations on about 10,000 allegations.

OIG Office of Investigations (INV) hotline staff process all complaints that come to the OIG. Allegations are logged into the Enterprise Data System (EDS), which links OIG headquarters to its field offices. When OIG headquarters sends an allegation to a field office, the Special Agent in Charge (SAC) of the field office has 5 days to retain or decline the case. Cases declined by field offices are returned to the hotline staff for transmittal to applicable component agency for further inquiry or investigation. Unless specifically requested, INV does not track what happens to the complaint after referring it to the component.

When OIG INV refers a matter to a component, the component uses its personnel to investigate. Within TSA, the Office of Inspection (OOI) is responsible for ensuring: (1) The effectiveness and efficiency of TSA's operations and administrative activities through inspections and internal reviews, and (2) the integrity of TSA's workforce. OOI is delegated authority to conduct internal investigations of employee misconduct.

Management Directive 0810.1 requires that OOI, immediately upon receipt, refer to OIG all allegations of criminal misconduct by a DHS employee; allegations of misconduct by a GS-15 level (K band) or higher, or OOI employee; allegations of serious noncriminal misconduct against a law enforcement officer; discharges of firearms resulting in injury or death; and allegations of fraud involving contractors, grantees, or DHS funds. OOI must notify OIG of all other allegations within 5 days. OIG assigns investigative responsibility for allegations by: (1) Initiating an investigation, (2) referring allegations back to OOI for handling, or (3) administratively closing matters without further action.

OOI operates under a blanket waiver that waives referrals to OIG for certain alleged offenses. These offenses include: (1) Thefts from TSA checkpoints of less than \$2,000, (2) time, attendance, and travel fraud; (3) domestic violence by employees who were not law enforcement officers; (4) accidental firearms discharge not involving injury; (5) workers' compensation fraud; (6) local criminal charges such as failure to appear, (7) traffic offenses and driving under the influence; and (8) other local misdemeanors (provided they involve employees below K band, and the offenses are not indicative of systemic problems). The waiver was based on our observation that we had accepted for investigation about 3 percent of these referred allegations, and had requested reports of results from only 10 percent of such cases referred to TSA for investigation.

In fiscal year 2012, OIG received approximately 16,400 complaints of misconduct. Of these cases, 1,358 were related to TSA. OIG INV initiated investigations for approximately 90 cases, and referred approximately 1,268 complaints to TSA's Office

of Inspection. Categories for complaints received include employee corruption, civil rights and civil liberties, program fraud, and miscellaneous.

The effectiveness of TSA and the safety of the flying public depend, in part, on the agency's ability to curtail and prevent corruption within its workforce. While none of our work focused primarily on TSA's challenges in dealing with misconduct issues, we identified two reports that may provide some insight into TSA's efforts to address allegations of employee misconduct, and strengthen their ability to monitor employee misconduct across the agency.

In October 2012, we issued a report, *Personnel Security and Internal Control at TSA's Legacy Transportation Threat Assessment and Credentialing Office*. The objective of this review was to determine whether personnel in the legacy Transportation Threat Assessment and Credentialing Office with critical roles in transportation security had sufficient oversight.

PERSONNEL SECURITY AND INTERNAL CONTROL AT TSA'S LEGACY TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING OFFICE

Congressman Bennie G. Thompson, Ranking Member of the House Committee on Homeland Security, requested that we review the background investigations and suitability determinations conducted for personnel within TSA's Transportation Threat Assessment and Credentialing (TTAC) Office. TTAC was established as the lead for conducting security threat assessments and credentialing initiatives for domestic passengers on public and commercial modes of transportation, transportation industry workers, and individuals seeking access to critical infrastructure. In 2010, TSA began a restructuring initiative that included an administration-wide review of personnel position descriptions and a reorganization of TSA, which realigned TTAC functions among three different TSA operational organizations. We reviewed the potential effect of these changes on oversight of legacy TTAC personnel, but did not review oversight of personnel from any other TSA offices or programs.

We determined that TSA employee background investigations met Federal adjudicative standards, but were not timely. We also determined that within the legacy Transportation Threat Assessment and Credentialing Office, there has been a pattern of poor management practices and inappropriate use of informal administrative processes to assess and address misconduct. Legacy TTAC employees made allegations of improper conduct through formal and informal processes, including allegations of poor management practices and violations of Equal Employment Opportunity laws. While all employees said they would report National security vulnerabilities, some feared retaliation for raising other concerns.

Senior legacy TTAC leaders sought to address allegations of misconduct through training and informal internal administrative processes, but efforts were not successful. For example, use of informal administrative processes did not address or expose the extent of workplace complaints and eventually led to internal investigations being managed inappropriately. Employee complaints channeled through TSA's formal grievance processes were managed and documented appropriately, but not all employees had sufficient information to access formal redress options. Unaddressed workplace complaints of favoritism, discrimination, and retaliation hindered TSA's efforts to streamline its operational structure and align compensation with appropriate authorities and responsibilities.

Of the eight recommendations we made in this report, three were related to monitoring allegations of employee misconduct:

- For a minimum of 2 years, direct legacy TTAC offices to refer all personnel-related complaints, grievances, disciplinary actions, investigations, and inspections to appropriate TSA or DHS offices with primary oversight responsibility.
- Provide employees a Know Your Rights and Responsibilities website and brochure that compiles appropriate directives on conduct, processes, and redress options.
- Establish an independent review panel reporting to the Office of the Chief Human Capital Officer through which legacy TTAC employees may request a review of desk audits and reassignments.

ALLEGATIONS OF MISCONDUCT AND ILLEGAL DISCRIMINATION AND RETALIATION IN THE FEDERAL AIR MARSHAL SERVICE

In January 2010, CNN reported allegations of misconduct and illegal employment discrimination and retaliation in the Federal Air Marshal Service's Orlando field office. The reports included descriptions of an agency rife with cronyism; age, gender, and racial discrimination; and unfair treatment in promotions, assignments, and discipline. Senator Bill Nelson and Congressmen Edolphus Towns and Darrell Issa

requested a review of these allegations in Orlando and throughout the Federal Air Marshal Service.

While our review did not find widespread discrimination and retaliation within the Federal Air Marshal Service, we identified inconsistencies in regards to: (1) How field offices handle and report misconduct incidents to headquarters; (2) the severity of discipline decisions for employee misconduct; and (3) the timeliness for executing various portions of the discipline process.

Of the 12 recommendations in this report, 3 were aimed at improving TSA's handling of misconduct cases:

- Provide guidance regarding the types of incidents the Federal Air Marshal Service should and should not report to the Office of Inspection in an incident tracking report.
- Provide guidance and clarification regarding how long prior corrective or discipline actions should be considered and for which types of incidents.
- Develop a comprehensive system to track individual cases through the discipline process.

At the time of our review, various components within TSA (Office of Professional Responsibility (OPR), Office of Human Capital (OHC), and OOI) were working together to develop a shared database to track all misconduct cases.

Chairman Duncan and Chairman Hudson, this concludes my prepared remarks. I welcome any questions that you or the Members of the subcommittees may have.

Mr. DUNCAN. Thank you, Ms. Outten-Mills.

We are going to begin the questioning portion, and Members are reminded we will adhere to the 5-minute rule. I now recognize myself for 5 minutes of questioning.

First off, let me just say that I understand the tremendous challenge that TSA has in keeping Americans safe as they travel through the Nation's airports. But Americans expect that TSA will practice best management practices and that their officers will experience some sort of consistency in disciplinary action. I think that is what we owe to the employees of TSA.

Mr. Halinski, last year you gave your word that TSA would take appropriate action to deal with misconduct. Over the past 2 years, about half the misconduct cases have been closed by issuing reprimand letters. Do you feel that that is an appropriate action?

Mr. HALINSKI. Sir, what I talked about last year was if we can prove an individual is stealing, if we can prove that an individual is taking drugs, if we can prove that an individual is intentionally subjugating the security system, and we can prove it, immediately they are out the door. What happens if we can't immediately prove it is we give them the due diligence any American is able to get through a process, sir, and that is, we run an investigation, we look at the circumstances, a recommendation is made for punishment, if it is appropriate, and then that individual has an appeal process. That is taken into account.

So if the individual is given a letter of reprimand, sir, then it meant that he is innocent until proven guilty and we couldn't prove that he did that, sir. That is the various degrees that we have. I think it is important to note, if there is X number of allegations of theft, if I can prove that they are stealing, we are going to walk them out the door. If I can't, then we are going to run an investigation. I have to give that person the fact that they are innocent until proven guilty, and we have to let an investigation run its course. I think that is the way we do business in this country.

If there is a letter of recommendation or suspension, it means that we couldn't unequivocally prove that he had done that, or he may have done it and there were some mitigating circumstances that means that he wasn't stealing. I am using the case stealing

right now, but in all of these cases of misconduct that we are talking about, we labeled this misconduct, over one-third of these cases, time and attendance. People showed up late for work, sir. We are classifying it as misconduct.

We have a very good workforce. We look at the process. We investigate it if we can't prove it. I have given you my word, if they are stealing, they are doing drugs, or they are breaching the security system intentionally and I can prove it, they are out, and we have taken those actions.

The rest of the time, sir, I think it is what we have to do as Americans, and give them the due process, and let them go through the investigation process. We have shortened that. Let it go through an appeal process, and give them the rights they deserve, sir.

Mr. DUNCAN. Well, I appreciate everything you said. Just understand that I think your workers want to see a set of guidelines followed. They want to see some consistency in disciplinary action. When you come up with a set of guidelines that this is the disciplinary action that is going to happen for XY&Z infractions, then there has to be some sort of consistency with that. I think that is important. I think Americans see a slap on the wrist for some of those infractions as not enough disciplinary action being taken.

So I would just say that going forward implementing a lot of things GAO has recommended is the right thing, and I appreciate your comments that you are working on that. I look forward to hearing back from you in the future about how that is working out.

According to GAO, 4 percent of the screening and security misconduct cases involve sleeping on duty. I understand some of that may have been in the break room while they were on break, and I get some of that. But, you know, officers that are sleeping on duty, and as you mentioned those that just fail to show up for work on time, that frustrates Americans because, the way I understand it, if an officer fails to show up on time or fails to call their supervisor and say, look, I am taking a leave day or a family day, it takes X number of persons to open up a checkpoint. Any delay of someone not showing up on time or not showing up at all causes delay for the American travelers by that checkpoint not being opened on time and properly screening in an expedited manner.

So how do you go forward with that sort of idea, that we have got to have employees show up on time, we have got to have them actually show up for work, and if they don't, if they fail to let their supervisor know, that is important to America's safety and security. So what is the disciplinary action you would take at that point?

Mr. HALINSKI. Well, sir, first I would like to say that it starts with training and education, and we have put together through our Office of Training and Workforce Engagement a very robust ethics and integrity training program, and also a training program for our entire workforce, because that is how we get to an efficient workforce in the future, a high-performance workforce. We have put together a very substantial, required training that all TSOs have to go through.

Mr. DUNCAN. How do you train? I am baffled. How do you train someone to know to call their supervisor and tell them, I am not

going to be at work, or I may be a little late? That is common sense.

Mr. HALINSKI. Yes, sir, it is common sense. I would tell you that we have ethics training, we have integrity training, we have situational training on videos for our people. We are trying to train a workforce that is about 47,000 screeners, and they have to do their job and they have to be trained. They hit that training on an annual basis. We stress it, sir. We put out messages.

I will tell you, sir, on the issue of tardiness, you are right. I am not going to disagree with you. Everybody should be on time when they come to work. If they are not, they can be disciplined in the case of TSA. I don't think it is an offense that they need to be fired of unless it is the third, fourth, or fifth time and it is a consistent pattern. Hopefully, the first time gets the word. A letter of reprimand, it is not something you should take lightly. A letter of reprimand means that you are not going to get a bonus that year, possibly. You are not going to get promoted. It is going to stay in your jacket. It is a serious thing, sir, and it escalate from there. A suspension, it is a serious thing, and we take this serious, sir, I mean we do.

When you look at the numbers and the percentages, I do have a large workforce, sir, and I can't control the behavior of everybody. We can train them. We can hold them accountable. That is what I believe we are doing, and we have a good workforce, sir.

Our people take an oath when they come into service, it is the same oath that you take, sir, as a Congressman. We raise our right hands and we commit to that. The one thing that I find very good about our workforce is year in and year out there is that Federal employee survey that they have. TSA morale-wise, people will say, well, you are in the low percentages. But do you know what we are every year, sir, 80 percent and above? The belief in our mission. That mission is to protect the traveling public.

We will have people that will do stupid things, guarantee it, sir. I was a Marine for 25 years, we had knuckleheads that did stupid things on the weekends or other times. That is going to happen. We will hold them accountable, sir. I have told you that, and I am committed to it. So is Mr. Pistole.

Mr. DUNCAN. Well, I look forward to hearing about how they are held accountable going forward based on some of the things we are hearing.

I am out of time, so I am going to yield now to—since we don't have the Ranking Member of the subcommittee—to Mr. Thompson, the Ranking Member of the full committee.

Mr. THOMPSON. Thank you, Mr. Chairman.

Ms. Outten-Mills—hope I pronounced it okay—last fall the OIG reported on the mishandling of the Equal Employment Opportunity Commission complaints within TSA's legacy Transportation Threat Assessment and Credentialing office. Now, in response of the allegations of favoritism and EEO violations, the Inspector General recommended that TSA establish an independent review panel through which legacy TTAC employees could request a review of desk audits and reassessments. Why did the Inspector General believe this recommendation was important?

Mr. HALINSKI. Sir, is that for me or the IG?

Mr. THOMPSON. The IG.

Mr. HALINSKI. Thanks.

Ms. OUTTEN-MILLS. During our review of TTAC we found that there was favoritism being shown for various different employees. We found that TTAC had—there is a formal TSA process in place for handling allegations and complaints, but within TTAC they had developed a system that circumvented the formal process where employees, many of the employees weren't even aware of what the TSA's formal process entailed. As part of that, as part of what we found was happening in TTAC, employees were being removed from their positions into other positions that had no responsibilities.

Now, TSA started in 2010 a restructuring and realignment which included legacy TTAC employees. So for those employees that in past years had been downgraded when their position descriptions and their current roles are reviewed, it might result in downgrades. So our recommendation would—what we wanted to address was the fact that there could be seen as no favoritism, that there could be an equal playing field in reviewing TTAC's current positions and the roles, and that there would be some fairness in the system.

Mr. THOMPSON. Now, can you tell me whether or not since that recommendation was put out, have you worked with TSA and have some of your concerns been satisfied?

Ms. OUTTEN-MILLS. We have worked with TSA, and the formal written response that TSA provided is responsive to our recommendation to create this independent review panel over the desk reviews. What we are waiting for right now, we are monitoring what TSA is doing, but the response that they provided to us did address our concerns if they put that in place.

Mr. THOMPSON. Okay. Mr. Halinski, you can take the other part of that. What you have just heard, is that basically where you are?

Mr. HALINSKI. Yes, sir. In fact, I would like to say also that TTAC does not exist any longer. That organization was integrated into our Office of Intelligence, that the individuals at the senior level no longer work for our agency. We took those recommendations on board, we believe we have worked with the IG on this, and we will continue to work with it.

The piece on the desk audits, we did go through a restructuring transformation within our headquarters over the last 2-year process where we have done desk audits of individual positions. We think that is in line with Government policy. We believe that that also met those requirements from that particular case, sir.

Mr. THOMPSON. Thank you.

I want to talk a little bit about the mishandling of sensitive security information. In July 2010, a new hire training manual containing sensitive security information about screening practices was stolen after a private security company employee removed it from the San Francisco International Airport without authorization.

Mr. Halinski, what is the recommended penalty for a TSO who mishandles sensitive security information?

Mr. HALINSKI. Sir, for a TSO that mishandles SSI information it can range from a letter of reprimand to a 14-day suspension, sir.

Mr. THOMPSON. Letter of reprimand—

Mr. HALINSKI. There is a range in between, from a 14-day suspension to a letter of reprimand, sir.

Mr. THOMPSON. Okay. What is the recommended penalty for a contract screener who mishandles sensitive security information?

Mr. HALINSKI. For a contract screener, sir, we do not deal directly with the contract screener. We deal with the company under contractual procedures. The contracting company could be fined for that particular type of incident, sir.

Mr. THOMPSON. So you fine the company but you don't deal with the employee?

Mr. HALINSKI. No sir.

Mr. THOMPSON. I yield back.

Mr. DUNCAN. I thank the Ranking Member.

The Chairman will now recognize the Chairman of the Transportation Security Subcommittee, Mr. Hudson, for 5 minutes.

Mr. HUDSON. Thank you, Mr. Chairman.

Mr. Halinski, one of the things in the GAO report that concerned us was the idea of staff not complying with policies and procedures for adjudicating misconduct. Some of the cases have even been overturned because staff at airports did not document sufficient evidence or properly apply penalty factors. Whose responsibility is it to review misconduct cases at airports?

Mr. HALINSKI. Yes, sir. Let me give you a two-prong answer on that. It depends on the severity of the case, sir. But I also want to say that the transportation security officers, if they are found guilty of anything, have the right to appeal under our OPR Appellate Board. So if there is an incident and it is, let's say, tardiness for work, the process is handled at the airport at the local level. If it is a more severe case, it will be handled with our Office of Investigation. It will be looked at through our Office of Professional Responsibility. If it is a serious case and a recommendation will be made, then the individual has a right to appeal that.

There is one difference, sir, as was mentioned earlier. Our TSOs, under ATSA, do not have the right for MSPB appeal. But what we have created to ensure that there is equity in the process is we have given them the ability—and we have had 800-plus TSOs use this—appeal to our OPR Appellate Board. It was mentioned by Mr. Lord that about 15 percent there was a turnover of those appeals. That is about the same amount, roughly the same percentage that MSPB has. So we believe we are in line with that.

We have to give our people an appeal process. So we put that in place. But there is a process. We recognize what GAO said, sir, and we are putting into place, by and large, most of the four recommendations that they have made we have put into place, we feel that they will be complete some time by the end of September, beginning October. We welcome GAO to come back and take a look at what we have done. I think it is a much tighter system with a lot more oversight at this point, sir.

Mr. HUDSON. Great. Well, just to understand, so the Federal security director's role then would be to sort of determine is this violation important enough to kick it upstairs or do I deal with it here? Is that—

Mr. HALINSKI. Yes, sir.

Mr. HUDSON [continuing]. That sort of the role?

Mr. HALINSKI. Yes, sir.

Mr. HUDSON. Okay. What steps has TSA taken to remedy this problem in particular of the failure to document correctly these incidents?

Mr. HALINSKI. Well, I think, sir, one of the things we had to do was we had to clean up the database and we had to make it a much more efficient database. It is one of those things that sometimes you run into Government where you have multiple databases. So we have combined it into one, which we call our Integrated Database. We have made it a much stronger process. We have professionals who are trained, H.R. people who are trained to input it in. Then there is oversight to make sure that it is being inputted in correctly.

Our FSD is responsible for auditing all inputs. We also have our legal field counsel there to help with inputting those offenses into the system, and then our Office of Investigation and our Office of Human Capital are responsible for doing spot audits. We have asked that they put out a regular schedule on that and increase that. So we have four levels of oversight now. We think that will fix the problem that was identified by the GAO.

Mr. HUDSON. Great. Pivoting a little bit, how does TSA recruit airport personnel, and what are some of the key qualifications that TSA looks for? Has this evolved over time? Has this changed?

Mr. HALINSKI. Sir, I would tell you we use a variety of methods to recruit personnel. We use the normal USAJobs, we use social media to recruit our personnel. But let me talk a little bit, because I think in the context of this hearing, what is important is how we hire our personnel.

First off, they are fingerprinted. There is an NCIC check, a Federal criminal record check that is done. There is a credit check done of our personnel before they come in. Then there is an interview with a manager for suitability. Then, at a certain point, there will also be an interview by our personnel security people because we want all of our people to have the potential to hold a security clearance.

That being said, sir, as you have seen and as evidenced by the GAO, we are going to have people that sometimes do stupid things. I think that is endemic with the entire system when you have security clearances or anything else. We believe that we do the due diligence through two different types of interviews, fingerprinting, credit checks to bring people on-board to work as TSOs.

Mr. HUDSON. I thank you for those answers.

As my time is running down I will go ahead and yield back, and then hopefully we will have a second-round opportunity to ask questions. Thank you.

Mr. DUNCAN. The Chairman will recognize the gentlelady from Indiana, Mrs. Brooks, for 5 minutes.

Mrs. BROOKS. Thank you, Mr. Chairman.

This question is to you, Mr. Halinski. I understand that there is a table of offenses that is provided to all of the airports and the supervisors that sets out kind of appropriate suggested discipline for offenses and penalties for misconduct cases. However, the GAO report indicated that there have not been, it has been fairly inconsistent in the manner in which it is used among the airports when

issuing the penalties. Can you talk about that lack of consistency in the use of this table of offenses and the recommended penalties?

Mr. HALINSKI. Yes, ma'am. I think it was important when Mr. Pistole came in, he created the Office of Professional Responsibility modeled on the office that is in the FBI. Quite frankly, we built the table of offenses and penalties based on many systems that are in the Government and other agencies, not just within DHS, but other outside departments. It goes, once again, back to the seriousness of the offense.

What you have is a range of options. What is the offense? It may go from this level to the most extreme level. If it is a serious offense, it is taken out of the hands of the local airport and it is given to our Office of Investigation, which is then adjudicated by our Office of Professional Responsibility. If it is an offense such as you are out of uniform when you come to work, you are late for work, you may have mouthed off to a supervisor, then it is handled at the FSD level.

Now, I think what is important to remember is before we had this table, before we had OPR, the TSO had no appeal rights in any case that was out there. Now they have the right to appeal, and they can go to that OPR Appeals Board and say, I believe based on my time in service, by my clean record, by the evidence I have provided you, that I shouldn't be held accountable for this. So there is an appeal process which is based on OPR, based on that table that was built. It has been a very helpful tool for us.

Mrs. BROOKS. I think my concern might be, and I have also been Federal Government, I was a U.S. attorney and often working with the AOUSA, if there were any discipline issues with respect to my employees at the time, they often wanted to compare what our discipline might be to other U.S. attorney's offices' discipline, and that is very important when you have large agencies like TSA. So I guess the concern is: How often are airports issuing penalties that are varying from those tables and how are you keeping track of that? Because I think that opens the agency up for a lot more problems beyond the appeals process, the inconsistency of penalties. So to your knowledge how often are the airports, you know, wavering from that table?

Mr. HALINSKI. Yes, ma'am. What we are trying to do through that process that was recommended by the GAO is we have made a much stronger Integrated Database so that we can track that information now. The one piece that I think is very important is the ability to do trend analysis. Basically what you are talking about is one airport not doing things similar to another airport. We believe some time in the fall, I think end of September, early October, we are going to have that capability to do trend analysis. The key is oversight, it is oversight by the headquarters. We have our Office of Investigation and our Office of Human Capital. It is dedicated to that type of analysis and those spot audits, which I think are very important, ma'am.

Mrs. BROOKS. Is that how you determine if people, though, aren't using the Integrated Database that you are referring to, that I heard that some—that was also part of the GAO report, is that some airports aren't using it—

Mr. HALINSKI. Yes, ma'am. What we found was—and I think when you go in, and Mr. Lord can correct me on this—but when you went in, it wasn't that they weren't using the system for serious offenses. What we found when we went back in is the lower the offense, or if it wasn't—we need to have that information so if someone moves across airports, as was mentioned earlier, we can keep track of that. At some airports it wasn't being done. It has been tightened in a management directive that has gone out and it is inspected when we inspect our airports.

I might also add one other thing which I think is very important. Our Office of Professional Responsibility now puts out a newsletter every month, and it lists for our entire workforce what the offenses were and what the actions were and what the adjudication was. We also include the number of covert tests that we do for integrity. I think it is important because it sends a signal to the workforce that if you do this, this is what happens. But I think it also sends a signal to the workforce that we have consistency across the board.

Mrs. BROOKS. I think that is a great way to communicate with your workforce, and I applaud you for doing that.

I yield back.

Mr. DUNCAN. I thank the gentlelady.

The Chairman will now recognize the gentleman from Florida, Mr. Mica, for 5 minutes.

Mr. MICA. Well, thank you so much. I want to thank you and also for Mr. Hudson for holding this hearing.

I had been an original requester of this report by GAO because, again, having been involved in creating TSA, I was concerned that some of the public reports we had of misconduct were mounting. This report does, in fact, confirm that TSA employee misconduct has spiraled almost to an unbelievable level, and that is very disappointing.

Mr. Halinski, you pointed out that TSA actually with Mr. Pistole's ascension instituted two offices. What were they?

Mr. HALINSKI. The Office of Professional Responsibility and the Office of Training and Workforce.

Mr. MICA. When did he institute those?

Mr. HALINSKI. Approximately 2 years ago, sir.

Mr. MICA. Okay. In the last 3 years, Mr. Lord, you reviewed this. What is the increase in incidents over that 3-year period? Percentage of increase?

Mr. LORD. It is 27 percent.

Mr. MICA. I have used 26, but 27 percent. So maybe we should go back to not having that office. We were probably doing better before. But you have instituted, again, these two offices and we have actually had a 27 percent increase.

I mean some of the incidents have been totally embarrassing, embarrassing to the thousands of TSA employees that get up and do a good job every day. Orlando airport, they featured—which is one of my airports, local airports—an employee was caught in a media sting stealing a computer. There is another case I think in your report, Mr. Lord, of, again, theft there. We have the Newark situation was so embarrassing, the supervisor was advising the TSA employee on how to steal contents of passengers' luggage. Again, this has been totally embarrassing for everyone.

So I think one of the Members on the other side said this involves about 6 percent of the employees given the 9,000 incidents over 3 years? I mean, that is the figure that was used by the other side. Not to mention how many criminal incidences and arrests of TSA employees, which isn't acceptable.

Now, the other thing this report identifies, and it was sort of glossed over, it is just I guess 32 percent of the offenses are attendance and leave, unexcused or excessive absences. Is that right Mr. Lord?

Mr. LORD. Yes.

Mr. MICA. Okay. These aren't just missing a day or two, these are more extensive offenses. Would that be correct?

Mr. LORD. Actually I think it varies, but it does include some more egregious cases.

Mr. MICA. Well, the problem you have, too, is you don't have standard reporting, which your report said. Is that right?

Mr. LORD. Yes, that was one of the issues.

Mr. MICA. So actually I think that the number of incidents that are reported, 9,600, because we have such a variance probably underreports what is actually taking place. Would that be an appropriate assumption, Mr. Lord?

Mr. LORD. That is one of the issues we identified in our report, a lack of consistent reporting.

Mr. MICA. But it would indicate that they are not all reported. This 32 percent doesn't sound like much of an impact, an unexcused absence, but it throws the whole system into chaos. People don't show up for work. How can you properly screen folks? Mr. Lord, for the record, is shaking his head in the affirmative.

Mr. LORD. I think it depends on particular facts and circumstances. It does have the potential to disrupt screening operations.

Mr. MICA. Right. The other thing, too, is the cost. Mr. Halinski, do we still have a National screening force that we send in at great taxpayer expense to make up where you don't have screeners?

Mr. HALINSKI. Sir, we do have a National screening force.

Mr. MICA. How many millions of dollars does that cost us a year? I asked you this I think at another hearing and you couldn't answer. Can you answer today?

Mr. HALINSKI. Yes, sir, I can answer today. I would tell you that that screening force has been reduced to approximately 250 personnel.

Mr. MICA. What is the cost? Again, for the record, and, Mr. Chairman, I would like in the record the cost of this National screening force, if you could provide it to the committee, for the past 3 years. Because, again, it is disgraceful that people don't show up for work, there is great cost to the taxpayers and great disruption.

A couple of quick closing comments. Are you still recruiting people from ads on the top of pizza boxes and ads on discount gas pumps for employment at TSA?

Mr. HALINSKI. No, sir, we are not.

Mr. MICA. Okay. That has stopped. Then the fingerprint check and all of that, I would like to—I will put in the record a letter from one of my sheriffs that notified me that two people he dis-

ciplined for misconduct he next found employed at the Daytona Beach airport. If you would, I would like that made part of the record. Thank you.

Mr. DUNCAN. Without objection, so ordered.*

Mr. DUNCAN. The gentleman's time has expired, so we will enter into a second round of questioning here.

Mr. Lord, the other side of the aisle was talking about private companies that are doing security screening. Is there an incentive for the private companies to keep folks employed that have stolen or continue to show up at work not on time?

Mr. LORD. I don't think there is an incentive if the company is private or Federal, if you have problematic employees.

Mr. DUNCAN. Mr. Halinski just testified a few minutes ago that there is a financial penalty for companies that, you know, someone in their employ has stolen or show up not on time and that sort of thing. So I would say for the record there is a disincentive for the private companies to continue those practices.

Mr. Lord, many of the offenses that the TSA employees have been accused of could have led to severe aviation security risk. Is there any evidence that due to an employee's direct or indirect action security at an airport was breached?

Mr. LORD. Well, by definition 20 percent of the cases we looked at were labeled security- and screening-related. So obviously we believe those cases do have some nexus to security. But again it all depends on the particular circumstances of the case. But those are the ones I view as more serious compared to the cases related to time and attendance.

Mr. DUNCAN. Of the 56 cases of theft and unauthorized taking from 2010 to 2012, 31 resulted in termination, 31 of the 56 resulted in termination, 11 resulted in letters of reprimand, 11 resulted in suspension of a defined period, 2 resulted in indefinite suspension, and 1 resulted in a resignation.

Mr. Lord, despite the recommended penalty range for these offenses, not including termination, Deputy Administrator Halinski told the committee last year that TSA took that seriously and TSA could prove it, the TSA would terminate those who would steal. Do you see that happening in your report?

Mr. LORD. Yeah, that is a good question. I believe under the updated guidelines if there are mitigating circumstances a letter of reprimand is one possible option. But, again, it depends on the circumstances. So I think there is some leeway there under the new—

Mr. DUNCAN. I understand extenuating circumstances and some of the appeals process and proving it and whatnot. I guess Americans would be frustrated continuing to see letters of reprimand versus termination when theft is proven. I want to make sure that TSA does follow through with their protocol.

I want to go back to the private screening, the private contractors issue. I came from the private sector and there was an incentive to do things right and also to have customer satisfaction with people we did business for, to apply the best management practices, and there was a disincentive if we failed to do what we said

*The information was not available at the time of publication.

we were going to do. There was a disincentive for me if one of my employees didn't show up at work on time and we weren't able to conduct—we did auctions—and we weren't able to conduct those in the time that we said we were going to and there were delays, both on the buyer's side and the seller's side.

So I think prompt and appropriate action and consistency is very, very important. I think that is what your GAO report points out over and over, that we need to be consistent. I think in the private sector you see when companies don't provide consistency with regard to disciplinary action then that opens them up to a possibility of lawsuits, because I think in a personnel situation you have to have consistency. You can't show preferential treatment from one employee to the next. We shouldn't be able to do that in the public sector as well.

So I don't really have anything further. So with that I will recognize the gentleman from Mississippi for 5 minutes.

Mr. THOMPSON. Thank you, Mr. Chairman. I appreciate your interest in my question. What I want to do is make sure we keep it in the right lane.

My only question dealt with sensitive security information. It did not deal with time and attendance or anything like that in the private sector. It is sensitive security information. That kind of information, we all agree, is something that is far more serious than someone not showing up for work.

Now, as important for me in this conversation is whether or not, Mr. Halinski, you saw the fact that in the contracting with TSA with private contractors, because you did not have the ability to deal with personnel found guilty of that, have you now changed the contracting document with TSA to get you to where you need to be?

Mr. HALINSKI. Yes, sir. We have changed the contract for all new contracts for SPP airports, and there is a clause in there that requires them to report any type of misconduct activities of their workforce, and we also require in this new language that if an employee is identified as with misconduct that appropriate action needs to be taken by that company, sir.

Mr. DUNCAN. Will the gentleman yield?

Do you have the ability to terminate a contract—it is following up on what he was asking—of a private contractor if you find misconduct on the employees?

Mr. HALINSKI. No, sir. I do not believe that we do. But I could get you a more thorough answer. I am not an expert on contracting. I wish I could give you a better answer. But I will get you one on that one, sir.

Mr. DUNCAN. I yield back. Thank you.

Mr. THOMPSON. Thank you.

Ms. Outten-Mills, we have talked a lot about TSA. What has been your analysis in reviewing other components of DHS with respect to claims of misconduct? Is TSA higher? Lower? In the middle? Can you provide some direction to this board?

Ms. OUTTEN-MILLS. Sir, the body of work that we have conducted in OIG at this point has not focused on misconduct and allegations. Even with the TTAC job and the FAM project that we conducted, we basically looked at pre-adjudication and the policies and proce-

dures that were in place to make sure that credible allegations were able to enter the process. As far as how agencies have—

Mr. THOMPSON. So you really can't.

Ms. OUTTEN-MILLS. No, we have not.

Mr. THOMPSON. Okay. Well, Mr. Lord, the reference to this increase in complaints, did you change the matrix for review or is it the same matrix all along?

Mr. LORD. I am not sure I understand your question, sir.

Mr. THOMPSON. Well, you say you had a 26 percent increase, I believe.

Mr. LORD. Over 3 years, yeah, that is what the data clearly shows. It is actually 27 percent.

Mr. THOMPSON. All right. Is that the same that you generally do?

Mr. LORD. Oh, you mean when compared to other DHS components?

Mr. THOMPSON. Yes.

Mr. LORD. We didn't do that analysis, but I think it is important to recognize all the other, for example, Customs and Border Protection, that they have a different mission, different organizational setup, it would be difficult to make direct comparisons, but for purposes of our report we did not include that information. That was outside the scope.

Mr. THOMPSON. Comparison with coming to work, that is in any agency, right?

Mr. LORD. Oh, on time and attendance. I thought you meant screening- and security-related violations. I have no comparative data available to—

Mr. THOMPSON. Would you, if you did CBP or anybody, would you do time and attendance as part of the review?

Mr. LORD. Oh, yeah, definitely, definitely.

Mr. THOMPSON. So you have not in your capacity performed any have those time and attendance reviews for any other agency?

Mr. LORD. We have not done that currently. We would be happy to work with your staff if you are interested in having a follow-up review conducted on that.

Mr. THOMPSON. Well, I am concerned about the increase at TSA. But if this situation is peculiar to other agencies, I would like to know it also.

Mr. LORD. Understood.

Mr. THOMPSON. So I yield back.

Mr. DUNCAN. I thank the gentleman.

The Chairman will recognize the gentleman from North Carolina, Mr. Hudson, for 5 minutes.

Mr. HUDSON. Thank you, sir.

Mr. Halinski, in terms of the amount of time it takes to get through an entire investigation and adjudication process, what has TSA done to streamline this process? Can TSA be doing more? What is the maximum amount of time a TSA employee can remain on the job while his or her case is being investigated? If, for example, a screener was accused of failing to follow a standard operating procedure at a checkpoint, would that individual be allowed to continue to work the checkpoint or would they be given other responsibilities until the investigation is completed? How does that process work?

Mr. HALINSKI. Yes, sir. It depends on the seriousness of the offense. If you are talking about an offense that is on the administrative side and not the criminal side, then the local airport will conduct its investigation, they will take statements, they will put the evidence together. It is not a long process, sir, quite frankly. We are not talking about an investigation where you are going in and it takes months at a time.

The more serious offenses that come up, that is when you go to our Office of Investigation. We have made great strides in that area since last year. In those cases we are running, in more than 50 percent of the cases, under 90 days to conduct a full criminal investigation on these folks and send it to our Office of Professional Responsibility.

Mr. HUDSON. So if someone is in one of these serious investigations, are they reassigned to a different duty point?

Mr. HALINSKI. Yes, sir. While they are in that status they can be put on administrative leave, they can be suspended, they can be put on at a different part of the airport in a nonscreening role. There is a variety of ways. If the allegations are serious enough, they are not kept on the line, they are moved out while the process takes place, sir.

Mr. HUDSON. Okay. How many TSA employees are currently on administrative leave for a process like this?

Mr. HALINSKI. Sir, I do not have that number. I will get back with you. I would tell you that we don't like to put anybody on administrative leave because that means that people are getting paid for not working. So we do try to find other duties for them. But I will get back with you on that number. I don't have that number right off-hand, sir.

Mr. HUDSON. Okay. Appreciate that.

Shifting gears a little bit, as I understand current policy, if a screener fails a covert test conducted by TSA's inspectors, the screener is retrained and allowed to continue screening passengers at the checkpoint. If a screener fails a covert test conducted by GAO inspectors, the screener is neither notified right away nor pulled off the line. In both cases, the screener in question does not receive a suspension or other penalty.

I recognize there could be a variety of reasons why someone fails one of these tests. However, there are certain cases where after careful review of the circumstances it would be appropriate for a screener who failed a covert test to be suspended. After all, TSA's sole purpose is security and the tests are in place to identify security weaknesses.

As TSA makes its headway towards risk-based security, I am concerned that a security failure at a checkpoint or the genuine—or a test—could set us back tremendously. It only takes one mistake to get a bomb on a plane, for instance.

Now, the ability of screeners to detect explosives and other threats and the confidence of the American public is fundamental to the success of risk-based security. Would you agree, Mr. Halinski, to revisit the policies and procedures for holding accountable those screeners who fail a covert test?

Mr. HALINSKI. Yes, sir. Let me talk a little bit about covert testing. Covert testing I think is one of the very solid quality assurance

programs that we have had. I believe the numbers are over 6,000 covert tests that we have done over the last several years. The other thing about covert testing, like any red team organization in any organization, you know exactly where the weaknesses are, you know how to build the devices so you can make it as difficult as possible.

I am not going to go into a whole lot of detail specifically about the tests but I will address your question because we keep that classified for a reason. Because threat, they pay attention to what we do, and they will use it against us. We have seen it consistently.

Now, when we have someone who fails a covert test, we try to—particularly with our covert testing—we take them off the line and try to do immediate quality assurance. If we see a trend, sir, we understand people can make a mistake. Let me give you an example, sir. If someone puts a test device, let's say in a groin area, and it is a small device, sir, I think you have seen that device, and they do a pat-down and it is clearly not a pat-down that is going to find that device, then we take immediate action and tell that individual, look, you need to do a better job on that pat-down.

We will look at that, sir. I will tell you that anybody who fails tests consistently is going to be in trouble in the organization, sir.

Mr. HUDSON. I appreciate that, but obviously one failed pat-down could lead to a horrible disaster for the public.

Mr. HALINSKI. We do understand that, sir, and that is one of the reasons why we have, and I think it is important to recognize, that we have a system of security that is multiple layers. It is a defense in depth. We have to have that. Because if we only have one point and we based it on one point, it is a single point of failure. That is why we have our dogs, that is why we have our BDOs, that is why we have our FAMS, that is why we have our intelligence system that vets beforehand. You have to have a defense in depth. Anybody that has been involved in security understands this. It is like football, sir. If you only have one person on the line and you don't have backs or you don't have linebackers, you are going to be in trouble. That is what we have, a defense in depth. So we try to overlap that, sir, and ensure that that one failure doesn't happen, every single day, 1.8 million times a day, sir.

Mr. HUDSON. I appreciate that.

My time has expired, Mr. Chairman. I yield back.

Mr. DUNCAN. I thank the gentleman.

The Chairman will now recognize and welcome back the Ranking Member, Mr. Barber, for 5 minutes.

Mr. BARBER. Thank you, Mr. Chairman.

Mr. Halinski, I would like to ask you a few questions about the procedures that were addressed or referred to by the GAO in their recent report. The GAO indicated that the TSA does not have procedures to identify allegations of misconduct that have not been adjudicated. In other words, there could be allegations of misconduct that have never been resolved. So I have a series of questions related to that.

Can you say how many there are remaining that have not been adjudicated? Second, an average length of time that those have been pending? How does the agency plan to address this issue going forward?

Mr. HALINSKI. Sir, to the best of my knowledge, we have taken what the GAO said to heart. We have made those changes. I don't believe we have any cases that are outstanding.

The process we use now is automatic. With this Integrated Database, if you go through the process, there is a system of checks and oversight by our Office of Human Capital, by our Office of Investigations, and by other Office of Professional Responsibility. When a case is closed, the system now automatically goes back to every one of those offices so everybody understands that the case has been adjudicated and is put in their records. We took that to heart, we made that correction, and it is in place, sir.

Mr. BARBER. The standard procedures that are now in place so that we have what we hope is non-arbitrary or fair across-the-board actions being taken, can you say what a one strike you are out looks like?

Mr. HALINSKI. Yes, sir. We catch an individual—now, let me go back to covert testing, sir, that we are doing for integrity. We have a screener on the line, we have one of our covert testers go through, he has an iPad that he decides he is going to put in his pocket. As I said earlier, the vast majority of our people are good people that don't do that. But when that happens, sir, and we have absolutely proof that he stole that item, it is 24 hours he is out the door. We have put that into effect, sir.

Drugs, another case. You are caught with drugs, on the spot we can put you out and we have done that. Now, if it involves an investigation in drugs, there is an investigation involved, if I can't immediately prove it, sir, we have to do due diligence for our people. They are innocent until proven guilty. That takes a little bit of time. But we do give them the benefit of the doubt in those cases until the proof shows otherwise, sir.

Mr. BARBER. What if the infraction has to do with putting the public at risk? In your covert investigations someone came through with essentially an explosive, is that a one strike you are out?

Mr. HALINSKI. Sir, if someone is intentionally trying to go against the security practices, if he is intentionally trying to bypass that system, yes, sir, it is. We have had instances of that in the last year, sir, and those people have been removed.

Mr. BARBER. Well, let me go to a different aspect of this. This is a question or an issue we have raised before in other hearings with the Department, and that is the concern that I have and I think the public has about transparency and accountability with the Department, or on behalf of the Department. I guess I am really concerned about how it is that we have transparency in ensuring the public that these matters are investigated. I realize there are personnel restrictions or privacy concerns but, you know, the GAO report is now a public document. People have a right to say, that is not good, what are we doing about it? What can the Department do more than it has already done to ensure transparency with the American people?

Mr. HALINSKI. Sir, and I will get to that that question, sir, but first let me say we are a very large organization and we are an organization probably that is in the public eye more than any other Government organization right now. We see the traveling public 1.8 million times a day, so we are very visible. Every time, sir, and

we have very good people who do a good job every day, every single time we have one knucklehead who decides he is going to do something bad it tarnishes the image of our organization.

But at the same time, sir, let me point out the fact that last year over 10 of our TSOs saved people's lives either in the airport through CPR, by helping accident victims, by pulling people from burning cars, by talking down a pilot in a general aviation aircraft. You never hear those stories, sir. You very rarely hear them. I think that is important when you are talking about image and you are talking about transparency, you have to take the good with the bad. When you look at the actual percentages they are very low and comparable to any other Government organization. I have my people on the line 365 days of the year. They know if they fail, someone could die.

Mr. BARBER. Can I just make sure we have the answer to the question about transparency? The GAO report is public. The media has it. The public will soon understand what is in it. What can you do to assure the American people that the issues that are raised in that GAO study and report have been properly dealt with? Transparency in that regard is what I was really referring to.

Mr. HALINSKI. All right, sir, I appreciate that. What I would tell you is what I said earlier, is that we absolutely embrace the comments made by the GAO. We are in the process and have almost completely taken those on-board and completed those; we believe they will be complete by the end of September, October. There is one big piece that we are looking working on as far as trend analysis. I am sitting here on C-SPAN and I am telling you that we embrace them and we are going to do them, sir.

Mr. BARBER. Thank you.

Mr. HUDSON [presiding]. The gentleman's time has expired.

At this time the Chairman will recognize the gentlelady from Texas, Ms. Jackson Lee, for 5 minutes for any questions she may have.

Ms. JACKSON LEE. Mr. Chairman, let me thank you very much for what I think is a vitally important hearing. Let me thank the Ranking Members and the Chairman, Mr. Duncan, and the full committee as well.

The American people deserve the sense of trust and respect, both as they travel, but also for the employees and the officers, as I call them, that they work for. I am very pleased that post-9/11 we can actually say that we have a trained, uniform, professional workforce called transportation security officers with SOPs, standard operating procedures which they must abide by, that we can even have an assessment of the bad apples versus the good apples.

Now, I would offer to say, as I have always said, Mr. Halinski, to Administrator Pistole, you have heard me say this, let's print the good stories, let's not hide the good stories. That should be part of an obligation of management, that should be an SOP, standard operating procedure, report the good stories, because I think it balances what, as you have indicated, the difficulty, but also the numbers that come up for those who are bad apples with the mountain of success stories and operational excellence that occurs in the airports every single day, even as we speak today.

I have a series of questions that relate to that, and I just want you to go quickly please because my time is short.

It is my understanding that you can contract with an SPP, let everybody know that is a private contract, privatization, you can contract with that contractual entity, but you can enforce various rules against them in the contract or against that workforce. Is that correct?

Mr. HALINSKI. Yes, ma'am.

Ms. JACKSON LEE. If you saw something and you were in the middle of a contract it would be difficult to cancel, is that correct, there is a contractual relationship?

Mr. HALINSKI. There is a contractual process that has to be done.

Ms. JACKSON LEE. That has to go through. So we can't compare what we suffer if we privatize or continue to privatize versus your ability being able to work with the professional public workforce under the Transportation Security Administration with the airports that are under your jurisdiction, you can focus on those individuals, is that correct?

Mr. HALINSKI. Yes, ma'am.

Ms. JACKSON LEE. We have worked on this committee, it has been my cause to work on the issue of professional development and to make sure TSO officers have the ability to rise up, that they are complimented as well as criticized. As I noticed the numbers, there has been an increase on the study in terms of issues dealing with time and attendance, we find that in the private workforce, of course, and then some people not following procedure.

Are you here to suggest or have you sort-of looked and seen that it is not excessive beyond the workforces around the country or other agencies? Is that something that you attest to?

Mr. HALINSKI. Yes, ma'am. I think when you look at this number of 27 percent arise, I am going to go back to the figured numbers. You can take any number out there and make it any way you want to look at it. Quite frankly, with the 27 percent, does that mean there it has been an increase in our personnel, that we are doing more accountability actions of misconduct?

Ms. JACKSON LEE. I think that is important. Because my time is short I want to get you to the kind of things that you are doing in the interest of professional development. As I do that let me just cite for the record that there was an investigation in Newark of individuals and it was ultimately determined, when the facts came out, that the penalty was too high or that they shouldn't have been assessed because there are additional facts that come out. So we have to sort of balance when we review the facts with make sure the disciplinary action meets the facts. I think in Newark it found out that they were cleared of all wrongdoing, certain incidents that occurred.

So my question is: Are you concerned about and do you have a matrix for professional development, and are you recognizing the important trust that the American people place in TSOs because they are one of the front-liners, if you will, one of the front-liners that deals with saving lives? They weren't in place on 9/11, were they? TSA was not in place on 9/11.

Mr. HALINSKI. No, ma'am, it wasn't.

Ms. JACKSON LEE. So they are the front-liners. Can you say that your professional development includes sensitivity to the elderly, the disabled, as well as SOPs? Could you answer that please?

Mr. HALINSKI. Yes, ma'am. We have made an effort to true to ensure that we don't have instances where we are conducting ourselves inappropriately. We have do ethical training, we do integrity training for our workforce, we have professional development for our workforce, and we try to be consistent in the way we do our mission.

Once again I am going to say it and I think it is important to say: Our mission is to protect the traveling public 1.8 million times a day. It is a big job. It sounds easy. There are many complexities to it, not just screening. We have air marshals, we have inspectors. We have to worry about foreign flight students. We have to worry about general aviation. We have a lot on our plate to secure that system. Easy mission in name, very complex in execution. I think we do a pretty good job of it, ma'am.

Ms. JACKSON LEE. Mr. Chairman, let me just indicate to Mr. Halinski that I think this committee is holding this hearing, No. 1, to contribute to the trust that the traveling public should have. I would believe that we could work together, Republicans and Democrats, and even provide an added professional development structure, if you will, that will, one, enhance the training, and I have spoken to those who have gone to the training in Georgia. They found it to be one of the best training that they could have ever had. I am not sure, I assume you are familiar with the class in Georgia.

But I would like to see an opportunity for legislative structure of training to help, and to again reinforce that they are out there to save lives and to build the trust that I think you are due as servants of the American people, more importantly as officers of the Transportation Security Administration.

So I yield back. I thank you, Mr. Chairman.

Mr. DUNCAN. The gentlelady's time has expired.

The Chairman will recognize the gentleman from Florida, Mr. Mica, for 5 minutes.

Mr. MICA. Let me pick up on training. Mr. Halinski, are you aware how much we have spent on training of TSA personnel, TSOs?

Mr. HALINSKI. Sir, I don't have that figure.

Mr. MICA. You know it exceeds \$1 billion. Are you aware also, sir, that we have actually trained—employed and then trained—recruited, employed, and trained more people than we have actually in the workforce, that more than that number have left the workforce, we spent that much money on people who are no longer employed. Are you aware of that?

Mr. HALINSKI. Sir, like any organization that is out there, we have been in existence about 10 years, sir, and—

Mr. MICA. I think you baked the cake on that one.

Well, first of all, Mr. Halinski, you said in response to Mr. Thompson talked about the private screening operation in San Francisco and one employee who had misplaced inappropriately some sensitive information, you said the penalty would be a letter

of reprimand and a 14-day suspension for a TSA employee. Is that correct?

Mr. HALINSKI. What I said, sir, was a TSO could receive from a letter of reprimand to a 14-day suspension for mishandling of SSI material.

Mr. MICA. Okay. Mr. Thompson wondered what had happened, so I checked, and that individual was suspended in 10 days, there was an investigation, and he was fired. I am telling you, I helped set up TSA, and we never intended, first of all, we never intended for it to be continually an all-Government operation. It was only set up for 2 years. But the intimidation and all the other things TSA has done to secure its bureaucracy.

Those who are interested in helping the poor workers, if there is any TSA workers or union folks here, first of all, you should know the private screening operations can actually pay and retain people more. Second, that we never intended to have some appeal method in place where the lax enforcement that you would have and just mentioned by the Deputy Administrator here, of a letter, 14 days. We wanted those people fired. We are firing some of them, not all of them.

Are you aware, Mr. Halinski, the similarity between Bulgaria, Romania, and Poland and the United States?

Mr. HALINSKI. Sir, I lived in Europe for 11 years. I actually escorted you twice to Europe.

Mr. MICA. Yes, I know. Are you aware of the similarity as regarding airport security?

Mr. HALINSKI. Sir, I know the airports internationally pretty well.

Mr. MICA. Well, those three airports are the only three in the Western world that still retain an all-Federal screening force.

Mr. Halinski, TSA personnel, the TSOs, are they sworn law enforcement personnel?

Mr. HALINSKI. Sir, our officers—

Mr. MICA. Are they sworn law enforcement—

Mr. HALINSKI. No, sir. They are not law enforcement personnel.

Mr. MICA. They are not. Okay. They are screening. They are not law enforcement personnel. You know, since you all hijacked TSA, then you come here and tell us that you have put in place all of this professional organization, Mr. Pistole has opened two offices to ensure integrity. Now, didn't you just hear the testimony that there has been a 27 percent increase in the incidence of misconduct? Did you hear that?

Mr. HALINSKI. I did hear that, sir.

Mr. MICA. Okay. Do you think there is still something wrong then with the way TSA is handling this misconduct?

Mr. HALINSKI. Sir, we have looked at the GAO report, we have taken those to task, and we are doing what the GAO asked us to do, sir.

Mr. MICA. Okay. You talked about the one-point-million people a day. Here is something I want for the record. Your FSD in Orlando just bragged about, we have 55,000 people a day that we screen. Then he said, we have 1,200 TSA employees. Would you confirm for me and the committee if that is correct? If that is cor-

rect that means each employee is screening 50 people a day. Would you say that is a productive workload?

Mr. HALINSKI. Sir, I don't have those figures in front of me—

Mr. MICA. I just asked, could you provide that information, back it up to the committee?

Ms. JACKSON LEE. Mr. Chairman, Mr. Chairman, would you let the witness answer the question?

Mr. MICA. Well, he doesn't have the information, Ms. Lee, and I didn't interrupt you. But what I would like him to do is respond to the committee.

Ms. JACKSON LEE. Mr. Chairman, I just would like him to be able to answer the question. I appreciate it.

Mr. DUNCAN. If the witness would just provide the answer in writing to Mr. Mica's question that would be sufficient.

Mr. MICA. Thank you. I think, again, Mr. Thompson—he is not here, I apologize—but he had said that they indicated it is a 3 to 9 percent in a GAO study extra costs for private screening, and that report was actually an early report. I had another report done, investigation, I don't know if you did that, Mr. Lord, did you do that one to check, and didn't they cook the books? That is how I termed it. But in fact you found that there was not correct, they did not include other factors as to the cost. Is that correct?

Mr. LORD. Yes, that is correct, sir.

Mr. MICA. Thank you. I will point out, for example, just go to Rochester, for example, where they have 18 TSA personnel that they don't need, most of them making on average \$100,000 with a private screening force. Go to San Francisco and observe the TSA monster overhead that they impose on top of private screening that you do not need.

So, again, this is an agency that is unfair to the employees. We spend \$1.2 billion on the administrators, and you have somewhere between, you can't tell, because Mr. Thompson said we have 47,000 screeners, you had 56,000, someone else had 57,000, but we have 66,000 employees in TSA. So we have \$1.8 billion being spent on screeners, \$1.2 billion on unnecessary and costly bureaucracy.

I yield back the balance of my time. Thanks for letting me participate today.

Mr. DUNCAN. Thank you, Mr. Mica. I appreciate you participating today.

Ms. JACKSON LEE. Mr. Chairman.

Mr. DUNCAN. Yes, ma'am.

Ms. JACKSON LEE. I would like to take a brief second round please. I think everyone had a second round. I will be very brief, Mr. Chairman. Thank you.

I think those were important questions that Mr. Mica answered. I would like for you to come back in writing, first of all, you will have to do the research so we can submit into the record, the costs to the American people of 9/11.

My recollection, you can get those numbers I am sure because you have a good research arm, in terms of the impact of New York and its immediacy, Boston, Pennsylvania, and beyond. The airline industry that I understand, it is my recollection, was also hindered for a period of time. Just bring those numbers back and submit it to the complete committee please.

Secondarily, I would like to have an assessment of the professional development training that each TSO member gets and what you plan to do going forward.

I would also like to have a response to—a more official response to Mr. Thompson's letter.

I will just ask the question on the record, are you dealing forthrightly with cases of discrimination, complaints of discrimination by your employee base, and taking those discrimination complaints seriously?

Mr. HALINSKI. Yes, ma'am, we are.

Ms. JACKSON LEE. Do you have a process that indicates to personnel or to employees of a process, an open and conspicuous process, that they know where to go if they feel that they have been discriminated against where they will not suffer retaliation?

Mr. HALINSKI. Yes, ma'am. We have an Office of Civil Rights and Liberties. We also put that as part of our annual training for all employees. We have it on our website, ma'am. We have a formal process. We adhere to the standards that the U.S. Government has to in this case, ma'am.

Mr. DUNCAN. The Chairman will note that we have had a period of question and answering. She has asked for these items in writing. I have allowed a little leeway, but if we could wrap it up.

Ms. JACKSON LEE. I will, Mr. Chairman. Thank you very much.

The last question I will ask is: Are you using a billion dollars for training, and why, and where does that money go?

Mr. HALINSKI. Ma'am, there are multiple questions that were asked that I didn't get the opportunity to explain.

Ms. JACKSON LEE. Go ahead.

Mr. HALINSKI. We have a very large workforce training over a period of time. You are going to spend money for training for that workforce.

If you want a professional workforce that is going to keep and protect the transportation system, I have to be able to train them. I can't give you the exact amount. I will get that to you.

On the question of the SPP, it is a voluntary program. It has been a voluntary program for years. There are 16 airports in the SPP program. Any airport in the United States, quite frankly. We don't see a major issue between either. If you talk about costs, we don't see a big cost difference. We don't see it in operations. We don't see a big difference any way. The point is, it is a voluntary program. Any airport can apply. There are 16 that have done it.

Ms. JACKSON LEE. Thank you very much. There is no great benefit for the SPP as saving money versus the professional transportation security office, is that correct? There is no benefit—there is no cheaper process through the SPP. You don't see any great savings through the SPP versus the transportation security.

Mr. HALINSKI. Ma'am, we have tried to abide by what the GAO has told us. No, ma'am, we don't. We see no difference in the cost, ma'am.

Ms. JACKSON LEE. I thank you.

I thank the Chairman. I yield back.

Mr. DUNCAN. I thank the gentlelady.

Since Mr. Payne showed up we are just going to continue with the line of questioning.

Mr. Hudson, do you have a question?

Mr. HUDSON. I do.

Mr. DUNCAN. Okay. The Chairman will recognize Mr. Hudson for a line of questioning.

Mr. HUDSON. Thank you, Mr. Chairman. I apologize, I wasn't prepared for the next round, but I appreciate this opportunity.

I guess my question, Mr. Halinski, is: How is customer satisfaction measured by TSA, and the customer being the flying public? Do you have any metrics by which you are measuring this?

Mr. HALINSKI. Sir, I guess the best metric I am going to use is the one that was done by the Gallup Poll last year, and it is online, anybody that wants to look at it, where over 60 percent of those polled, the traveling public, say that they were—at least felt that TSA was satisfactory to good in their operations. I think that is probably the best metric we can do for the traveling public.

We have customer service reps now at the airport. We are making an effort in our training. We are making an effort in our engagement with our workforce to ensure that they do good public relations.

We are going to have the one-off, sir. I am going to be straight up with you. I am going to have somebody that is going to do something stupid, and it is going to get in the press and it will probably make 20 rounds in the press. But for every one of those stories, sir, I will tell you, there is probably 10 more great stories about what our people do.

Mr. HUDSON. I appreciate that. I guess the question is: Should there be some formal process where you set up metrics where you can judge the customer satisfaction? I believe what you are telling me, that there are a lot of good actors there, a lot of people who are dedicated to the job, committed to their mission. But if there is a way to measure this, it may bear out and be a good tool to show the American people that a lot of folks who travel do have a good experience. It might be useful to measure that. It might be helpful to sort-of identify where the problems are in the public perception. That is just something you may want to think about.

Mr. HALINSKI. We will work on that, sir.

Mr. HUDSON. Thank you.

Mr. Chairman, I yield back.

Mr. DUNCAN. The Chairman thanks the gentleman from North Carolina and the Chairman of the Transportation Security Subcommittee for being part of this today.

The Chairman will now recognize the gentleman from New Jersey, Mr. Payne, for 5 minutes.

Mr. PAYNE. Thank you, Mr. Chairman. Good morning, and I apologize for my getting here a bit late, but I felt it was important that I did show up and get the questions I have on the record.

This is, you know, basically for all the witnesses. You know, I have met with TSOs and the managers at Newark Liberty Airport. I found them to be really dedicated to their job and service, and they strive to keep our aviation system secure on a daily basis. They tell me, too, that there are many instances where TSOs are disciplined for doing the very thing that they were trained to do. So do you believe that the training of the TSOs has kept up with the disciplinary actions and procedures?

Mr. Halinski.

Mr. HALINSKI. Sir, I believe that we have been consistent in that. In specific cases, I am not sure, sir, if there were specifics I could answer that. But I believe that we do have a consistent policy. I believe that we have consistent training.

One thing I would say is, we do shift some of our procedures on a regular basis, and that is based on threat. We are an organization that bases our operations on threat. What was the standard procedure last year may not be a standard procedure this year. If somebody is following a procedure because they weren't up on the newest procedure, it is based on threat, but they may be held accountable for that, sir. That may be an inconsistency, sir.

Mr. PAYNE. Right. But if they haven't been trained for it, how can they be held accountable for it?

Mr. HALINSKI. Well, everybody, if we make a change in the policy, sir, or a change in the standard operating procedure, everybody is retrained on it. But I am going to go back to human nature, sir. Everybody is not on their game 100 percent of the time, unfortunately. In those cases we will take appropriate action for that, and that is what this whole hearing has been about, and we are committed to doing that. Our people generally don't do that, sir. I mean, there are a lot of numbers that were thrown around out here today, but by and large we do a good job every single day, sir.

Mr. PAYNE. Okay.

Mr. Lord.

Mr. LORD. That is a difficult question to answer lacking specifics, but I do know that TSA has invested a substantial amount of money and resources and time in training staff. I think it is important to note the SOPs do change. For example, the enhanced pat-down, when that went into effect, I think not only were TSA employees, but the traveling public, you know, they had to make a—they had to adjust to that as well. So I think that is important to note, the procedures change. People have to be trained in that. Sometimes there is a lag between when they master that and how they actually apply it in practice. So to me it is not surprising that some staff may object to that occasionally.

Mr. PAYNE. Okay.

Ma'am.

Ms. OUTTEN-MILLS. The OIG, we did conduct one review of the Honolulu airport in 2012, where we were coming up with reasons why certain screeners may have not been screening as they should have. One of the reasons that that could possibly have been was because of the changing SOPs, and perhaps TSOs weren't aware, fully aware of what that policy entailed. We did make a recommendation to TSA to ensure that staff were aware of SOPs that changed based on the rate of flights coming in, and they have worked to do that.

Mr. PAYNE. Okay. Let's see. In your opinion, do you believe that the standard disciplinary actions or additional training, or some combination thereof, is the most effective way in disciplining TSOs? You know, I guess in terms of the procedures, you have to be up on them because this is important. But if you find someone that might have made a mistake or been lacking in one of those areas, don't you feel that prior to disciplining them that maybe making

sure that they understand what their obligation is, is the best way to go?

Mr. HALINSKI. Sir, I would say that when we train our workforce, one of the ideas is communication, constant communication with the workforce if there are changes. If there is a failure with one of our TSOs in some area like that we try to take remedial action. One of the differences now with our table of offenses and penalties is, we have enough leeway that, based on what the penalty is, that it can be from a low end to a high end depending on what the mitigating circumstances is for there, for that particular offense. Consistent training, consistent messaging is what will get them to where they need to be.

We try to be consistent in the way any kind of misconduct is handled. That is why we created an appeals board for our TSOs with our Office of Professional Responsibility, and they have an automatic 7-day period to write an appeal for anything that is handed down if they feel that the punishment did not meet what they thought that they did. There is an appeal process. In some cases, about 15 percent, we find that actually it has been lowered because, with the circumstances and the appeals, it has worked to their benefit in that case because we didn't have all the facts.

I am going to go back to what I said earlier, sir. By and large, if we absolutely catch somebody doing something they shouldn't be doing, we take very strong action. But the presumption is people are innocent until they are proven guilty, and we have to go with that, sir, because that is the way we do business.

Mr. PAYNE. Okay. Thank you. I see my time is up. There was another question, but I will submit it to the committee, in terms of the difference between the private contractors and how our TSOs are disciplined, and the oversight that we have over the private contractors. I think there is a discrepancy in the manner in which the two entities operate, but I will submit that to the committee. Thank you. I yield back.

Mr. DUNCAN. I thank the gentleman from New Jersey for his questioning and for submitting written questions. We ask the witnesses will respond to those written questions in a timely manner.

First off, in wrapping up the hearing today, I want to thank Mr. Lord and the GAO for your report and for your continued work in investigating not only TSA, but all of the agencies that GAO works with Congress the oversight capacity on.

I also want to thank the gentlelady, Ms. Outten-Mills, for your involvement in the Inspector General's office, because you are having to deal with and investigate some of the things that go on. So I certainly appreciate your service to our country.

Mr. Halinski, in no way did the line of questioning today question your service to our country, and I understand the challenges that you face in trying to keep our air travel secure. America is counting on you. America is counting on TSA to stop any sort of 9/11-type attack and make sure that this country and the homeland is secure. So I appreciate what you do, and I appreciate the service.

In our oversight capacity, we have oversight over DHS and TSA. We expect that TSA and DHS will have oversight over the private

contractors as well. I am interested to find out more about that oversight relationship.

I don't know that we have the oversight ability to bring the private contractors in and question them the way we have questioned you today. But somebody needs to as well, because America is counting on them as well if they are acting in that capacity as security screeners. So this is a multi-faceted and multi-layered approach to keeping the country safe. I fully understand that.

I want to make sure that, and I think America expects, that if someone has violated either the civil liberties, or slept on the job, didn't show up for work, delayed their air travel because a checkpoint not being open, or someone has stolen from the American public, the traveling Americans, that they will be disciplined. I appreciate your responses to those questions today.

So I want to thank the witnesses for your valuable testimony and the Members for their questions. I thought we had very good participation today, even from some Members not on the committee. The Members of the committee do have additional questions, as you have heard, from both Ms. Jackson Lee, from Mr. Mica, and from Mr. Payne, and we ask you respond to those in writing in a timely fashion.

So without objection, the subcommittees will stand adjourned.
[Whereupon, at 12:12 p.m., the subcommittees were adjourned.]

